

30 JULY 1946

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of
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214		Protocol of Mutual Assistance between the USSR and the Mongolian People's Republic dated 13 May 1936	2713	2713
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1 Tuesday, 30 July, 1946
2 - - -
3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan
9
10

11 The Tribunal met, pursuant to adjournment, at
12 0930.
13 - - -
14

15 Appearances:

16 For the Tribunal, same as before.
17 For the Prosecution Section, same as before.
18 For the Defense Section, same as before with
19 the exception that Dr. TAKAYANAGI, Kenzo replaced Mr.
20 HASEGAWA, Nutokichi as Counsel for the Accused SUZUKI,
21 Teiichi and Mr. YANAI, Tsuneo replaced Dr. TAKAYANAGI,
22 Kenzo as Counsel for the Accused SHIGEMITSU, Mamoru.
23
24

25 (English to Japanese and Japanese
26 to English interpretation was made by the
27 Language Section, IMTFE.)
28

LAWLESS

DIRECT

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: Does counsel desire to mention any matter?

MR. HOZUMI: Counsel MIYAKE, Shotaro, for the defendant, UMEZU, Yoshijiro, has resigned and has been succeeded to by Mr. MIYATA, Mitsuo.

THE PRESIDENT: Mr. Sutton.

MR. SUTTON: May it please the Tribunal.

- - -

LAWLESS

DIRECT

1 PETER J. LAWLESS, called as a witness on
2 behalf of the prosecution, resumed the stand and
3 testified as follows:

4 DIRECT EXAMINATION (Continued)

5 BY MR. SUTTON:

6 Q Mr. Lawless, at the time of the adjournment
7 on yesterday, you were stating the action taken by
8 you with regard to Koreans and Japanese nationals
9 arrested in the diplomatic quarter in Peiping. You may
10 continue your answer.

11 A In my statement yesterday I was giving the
12 constitution of the diplomatic commission as being
13 one British, one American, one Japanese of the Embassy
14 Staff of the different Embassies. In addition to these
15 three members, there were two civilian members elected by
16 rate payers of the Legation quarter. To these members,
17 when they met once a month, I, as secretary, reported all
18 matters pertaining to police activities. Two cases
19 bearing on the subject on which I am giving evidence
20 are rather outstanding. In one case I reported the
21 arrest of Koreans and Chinese for attempting and using
22 the Legation quarter for making morphia. This case
23 was brought before the commission and reported to them,
24 and present at the meeting was the Japanese member of
25 the commission. On the arrest of these various people

LAWLESS

DIRECT

they were handed over to the consular police. At
1 the meeting, when the case was brought up, the Japanese
2 member said: "Yes, I have heard of that, and I am
3 making inquiries. I will make a report during the
4 next meeting." When asked at the next meeting by the
5 chairman of the commission whether anything had been
6 done he said: "We are still making inquiries."
7 Before the next meeting we had occasion to arrest
8 three Koreans for manufacturing morphia in the Lega-
9 tion quarter. With the paraphernalia and the Koreans
10 we handed them over to the consular police in the Lega-
11 tion quarter. This case was also reported by me by
12 memo, circular letter, and verbally to the five members
13 of the commission. When at the next meeting the
14 Japanese member was asked what action had been taken,
15 he said: "We are still making inquiries." That meant
16 to say that for the first case it was nearly three
17 months while the inquiries were going on. For the
18 second case, which happened about four days before
19 the commission meeting, there was hardly time for him
20 to have made very many inquiries. About three days
21 after the meeting -- two or three days -- we arrested
22 the same three Koreans, which had been arrested with
23 their paraphernalia in the second case, again working
24 in the Legation quarter. I took it into my own hands
25

LAWLESS

DIRECT

1 to go around to the Japanese Embassy and see the
2 Japanese member and tell him what had occurred. He
3 said he would make further inquiries, and this was
4 the answer I got and also the commission at every
5 meeting that was held.

6 Q After Peiping was occupied by the Japanese
7 troops, what was the situation in that city with
8 regard to the sale of opium?

9 A From personal observation in the city, morphia
10 and opium -- opium more especially -- was being sold
11 openly. Morphia could be bought in any amount in the
12 smaller hawtongs or smaller rooms in the back parts of
13 the east and west city. In the Legation quarter things
14 were not so active as regards morphia and opium, except
15 small sales. There was no manufacturing.

16 Q How was opium transported in the city?

17 A In rather large quantities by motor car and
18 by Japanese military truck.

19 Q How long did the conditions which you have
20 described as to the sale of opium and narcotics in
21 Peiping continue?

22 A Up to my knowledge as a police officer, it
23 continued very strongly up to the time of my arrest
24 on the 8th of December.

25 THE PRESIDENT: In what year was he arrested?

LAWLESS

DIRECT

Q When were you arrested or interned?

A On the 8th of December, 1941, I was arrested and put in confinement for one month in the American Embassy.

Q When were you released from internment?

A I was released from the American Embassy on the 8th of January, 1941. After that I was interned in the British Embassy until the 29th of March, 1943.

THE PRESIDENT: I suppose he means January, 1942. I wish he would use the correct dates.

Q Where were you following March 29, 1943?

A We were sent to a concentration camp in Shantung near Tsingtao, a place called Weihsien.

Q When did you return to Peiping?

A On the 17th of October, 1945.

Q And have you resided in Peiping since October 17, 1945?

A Yes.

MR. SUTTON: The defense may cross-examine the witness.

THE PRESIDENT: Dr. KIYOSÉ.

DR. KIYOSÉ: No cross-examination, Mr. President.

(Whereupon, the witness was excused.)

1 MR. SUTTON: May it please the Tribunal, that
2 concludes the testimony of the witnesses brought here
3 from China on the 12th of June, whose testimony was put
4 on out of the usual order. The other witnesses on these
5 phases of the case will appear at the regular time.

6 The case for the prosecution will now be con-
7 tinued by Mr. Hyder.

8 THE PRESIDENT: As you know, Mr. Sutton,
9 the question of recalling Professor Bates was mentioned
10 today before me in chambers. You proposed to tender
11 certain documents which came into existence in the
12 safety zone of Nanking, and Professor Bates is be-
13 lieved by the defense to have been associated with
14 them. Those documents have not been put to him. Will
15 Professor Bates remain in Tokyo for, say a fortnight?

16 MR. SUTTON: My understanding is that Doctor
17 Bates left this morning for Nanking.

18 THE PRESIDENT: Very well.

19 Mr. Hyder.

20 MR. HYDER: With permission we continue in
21 the presentation of the Manchurian aggression. For
22 the record and the convenience of the Tribunal, we
23 left off at page 2284 of the record, July 10.

24 The prosecution next offers in evidence
25 document No. 1871B, being section 5, pages 19 to 20

1 of Court Exhibit 192, an official Chinese document.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Document 1871B will be
4 Exhibit No. 210.

5 (Whereupon, prosecution's Exhibit No.
6 210 was received in evidence.)

7 MR. FURNESS: If the Court please, might
8 I ask the prosecution whether this is a document pre-
9 pared for this trial, or whether or not it was a document
10 which was filed in the files of the Chinese government?

11 MR. HYDER: This document was not prepared
12 for this trial. It is an official Chinese document.

13 MR. FURNESS: I have examined the certificate,
14 which is on file with the Clerk of the Court. It
15 states that the document is dated March 25, 1946, and,
16 as I understand it, was prepared at the request of the
17 prosecution. I am not certain about it because I am
18 not certain what this certificate means. It further
19 appears, which I am certain is an error, that the
20 certificate states that it is an enemy document which
21 had been captured or obtained by military forces acting
22 under the Supreme Commander for the Allied Forces, and
23 "that such document has been continuously in my custody
24 since such delivery." Signed "E. E. Danly," who, I
25 understand, is the head of the document section of the

prosecution. My point is that it is obviously a
1 document prepared by a prosecutor nation for use in
2 this trial, and that it should so appear of record.
3 We object to it on that ground.

4 THE PRESIDENT: Did you say "prosecutor
5 nation"?

6 MR. FURNESS: Yes, sir.
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1 THE PRESIDENT: Did you mean the United States
2 or China or Japan?

3 MR. FURNESS: China, sir. I mean China, sir.
4 From the date it is obvious that it has been prepared,
5 and is not a document which was simply found in the
6 files, and, therefore, --

7 THE PRESIDENT: Are you talking about Exhibit
8 210? It is supposed to be an excerpt from the Japan
9 Year Book. No such argument could be raised about this
10 document, we have two now, Exhibit 210, because it is
11 an excerpt from the Japan Year Book 1937.

12 MR. FURNESS: I think, sir, that you have
13 the wrong document. They are referring, as I under-
14 stand it, to document 1871B which is an excerpt from
15 document 1871.

16 THE PRESIDENT: I am speaking of the only
17 document handed to me. If there is another document,
18 I would like to have it.

19 MR. HYDER: 1871B, the prosecution document,
20 is the one that has been offered.

21 CLERK OF THE COURT: There has been an error.
22 Document No. 1777 was handed to the Clerk and was
23 marked "Exhibit No. 210." We will now mark Document
24 No. 1871B "No. 210."

25 MR. FURNESS: Could I read the certificate, sir?

1 THE PRESIDENT: Well, let the Judges see the
2 copies first. They will know what you are talking
3 about then, Major Furness.

4 There is no certificate on the face of the
5 copies.

6 MR. FURNESS: The basic document, sir, is
7 the volume, 1871, document -- I don't know the certifi-
8 cate number. Can you tell me, Mr. Hyder?

9 MR. HYDER: The basic document is Court
10 Exhibit No. 192. There is a certificate attached to
11 the original.

12 MR. FURNESS: Which is signed by the Chinese
13 Prosecutor T. C. Liu.

14 THE PRESIDENT: You had better read it be-
15 cause we haven't a copy of it.

16 MR. FURNESS: Dated March 25, 1946. It is
17 dated March 25, 1946, and is signed by the -- and is
18 headed "General Headquarters, Supreme Commander for
19 the Allied Powers, International Prosecution Section."
20 "Certificate. I, T. C. Liu, hereby certify that I
21 am associated with the International Prosecution Section,
22 General Headquarters, Supreme Commander for the Allied
23 Powers, and that the attached document, consisting of
24 123 pages and described as follows: A Handwritten
25 copy entitled 'Summary of Japanese War Crimes in China'

1 " 'from September 18, 1931 to August 1937,' prepared
2 by the Ministry of Foreign Affairs with the Seal of
3 Ministry of Foreign Affairs, Republic of China and
4 dated _____, was obtained by me on the date
5 above set forth in my capacity and in the conduct of
6 my official business, and in the following manner:
7 To wit, on request of the Ministry of Foreign Affairs,
8 Republic of China, at Chungking, China, on March 25,
9 1946. (Signed) T. C. Liu, Assistant to the Chinese
10 Prosecutor, International Prosecution Section."

11 The second certificate states Mr. Danly's
12 official position as Chief of the Document Division
13 of the International Prosecution Section, and states
14 that he has had possession of the document -- has
15 "possession, custody and control of original or copies
16 of captured enemy documents obtained by said Section."
17 It states further that it was delivered to him by
18 Mr. Liu "as being an original or copy of an enemy
19 document that had been captured or obtained by military
20 forces acting under the Supreme Commander for the
21 Allied Forces and such document has been continuously
22 in my custody since such delivery."

23 THE PRESIDENT: Is there any explanation of
24 that certificate, Mr. Hyder?

25 MR. HYDER: The original document was secured

1 by Mr. Liu from the Chinese Foreign Office. It was
2 not prepared at the request of the prosecution. He
3 simply asked for a copy and they gave him a copy.
4 The first certificate shows that. The second is
5 merely a certificate of custody of Mr. Danly who
6 received it from Mr. Liu.

7 THE PRESIDENT: Does the certificate refer
8 to captured documents?

9 MR. HYDER: The certificate of custody
10 of Mr. Danly does refer to captured documents. I
11 would like to point out, if I may, that under the
12 Charter, Article 13c(1), an official document is ad-
13 missible without proof of its issuance or signature
14 if it appears to the Tribunal to have been issued by
15 any officer, department or agency of the government.
16 Also --

17 THE PRESIDENT: Mr. Hyder, do observe that
18 light.

19 This document will go into the record as
20 a captured document if that certificate stands.

21 MR. HYDER: It will, your Honor? It was a
22 form certificate for custody of Mr. Danly that was
23 used in this case. It is not a captured enemy doc-
24 ument though. It is admissible, we submit, aside from
25 its certificate of authenticity.

1 THE PRESIDENT: Now I think, Major Furness,
2 we have sufficiently identified this document and its
3 source. I think we must accept it for whatever proba-
4 tive value it has.

5 MR. FURNESS: I would like to point out to
6 the Court that, while possibly under the rules of
7 the Charter it may accept it, it is not required to
8 do so. It is mandatorious within the discretion of
9 the Court. Furthermore, I think it should appear
10 when this document was prepared in order that the
11 Court may, if it receives it, determine its probative
12 value. I don't see how it can under the first cer-
13 tificate. In other words, if it was prepared in the
14 year 1946, after it was determined to prosecute war
15 crimes, it would be in the nature of an argument and
16 would have far less probative value than if it was
17 merely found in the official files of the Chinese
18 Government.

19 THE PRESIDENT: The question of whether
20 any document or any other evidence has any probative
21 value or not will have to be considered when we come
22 to review the whole of the evidence. There may be
23 rare exceptions but I cannot say this is one of them.

24 The representations of the defense will always
25 be kept in mind when we are considering such document or

1 evidence.

2 MR. FURNESS: I would like to point out
3 again that, even if we eliminate the second certifi-
4 cate which is obviously in error, that the first
5 certificate is not the certificate of the Chinese
6 Government. It is the certificate of the Chinese
7 prosecutor.

8 MR. HYDER: If the Tribunal please, it is --

9 THE PRESIDENT: Well, I don't know that
10 you have made any objection really, Major Furness?

11 MR. FURNESS: Yes, I have, sir. I have
12 objected to the admission of the document.

13 THE PRESIDENT: The objection is overruled.

14 Yes, Mr. Hyder.

15 MR. HYDER: I should like to read excerpts
16 that are offered, if I may.

17 "Since 1933, Japan attempted urgently to
18 have Hopei, Chahar, and other provinces in North China
19 under her domination."

20 Skipping down to the next sentence.

21 "Therefore, they indulged in persistent
22 conspiracies, attempting to oust the political power
23 of the Chinese National Government from Hopei and Chahar.
24 The Japanese utilized every opportunity to put up
25 pretexts and difficulties against the Chinese Government.

1 "They practically forced Mr. Hwang and General Ho
2 to resign from their respective posts.

3 "During this period, the Japanese Army and
4 diplomats openly declared that the political struc-
5 ture in North China did not satisfy the wishes of
6 the Japanese. Repeatedly they instigated the local
7 authorities in North China to proclaim autonomy.

8 Being loyal, the local authorities managed to evade
9 all these Japanese proposed plots. The Japanese
10 became so impatient that they finally resorted to
11 underhand measures. On 20 October 1935, a Chinese
12 traitor by the name of Wu in Hsiang-Ho Hsien, Eastern
13 Hopei province, bribed many local bad elements and
14 started a riot, on the pretext of demanding autonomy.
15 Hopei Provincial authorities moved calmly to meet the
16 situation and settled the instigated riot in a few days.
17 Japanese, having failed to attain their objective,
18 became even more impatient and grew anxious. By
19 threat and bribery they induced Ying, Ju-Keng, then
20 Administrative Commissioner to cable the National
21 Government on 15 November 1935 asking for autonomy.
22 On 24 November 1935, the 'Preparatory Committee for
23 Autonomy in the War Zone' was organized. On 25 November
24 1935, the so-called 'Eastern Hopei Anti-Comintern
25 Autonomous Council' was set up, proclaiming dissension

1 and independence from the National Government. The
2 22 Hsiens in the War Zone were forcibly and unlaw-
3 fully taken over by this puppet organization. Thus,
4 all military and political affairs there came under
5 sole Japanese domination. Moreover, resources, in-
6 dustries, maritime custom revenues, and salt revenues
7 in the said zone, also fell into Japanese hands. It
8 became the Japanese base of operation for narcotic
9 traffics, smuggling, and instigations of bandits and
10 traitors. The Chinese National Government and local
11 authorities in North China negotiated with Japanese
12 more than once, demanding for its abolition. Nothing
13 resulted from these negotiations."

14 The prosecution next introduces in evidence
15 IPS Document No. 1777. This is the Japan Year Book
16 for 1937. The portion offered in evidence appears on
17 Page 211 and is two paragraphs in length.

18 CLERK OF THE COURT: Document No. 1777 will
19 receive Exhibit Number 211.

20 THE PRESIDENT: Admitted on the same terms.

21 Mr. Bowman, don't call out the number before
22 I admit it. Sometimes, when you call that number out,
23 I am otherwise engaged.

24 (Whereupon, prosecution's exhibit
25 No. 211 was received in evidence.)

1 MR. HYDER (Reading): "Towards the close of
2 November, 1935, an independent government was estab-
3 lished with the demilitarized zone as the centre,
4 which was named as the East Hopei Anti-Comintern
5 Autonomous Council. Mr. Yin Ju-keng, special admin-
6 istrative inspector of the Lwanchow-Shanghai-kwan area
7 of the zone, became its chairman. In December, the
8 Committee was renamed as the East Hopei Anti-Communist
9 Autonomous Government and appointed Mr. Yin as its
10 chairman.

11 "The Kuomintang Government despatched its
12 War Minister, General Ho Ying-ch'in to the north. As
13 a result of his conference with General Sung Cheh-yuan
14 and General Han Fu-chu the Hopei-Chahar Political Council
15 was established as an organ to manage the administration
16 of North China. General Sung Cheh-yuan was appointed
17 as its chairman and assumed the office on December 18,
18 1935. This institution, while being under the super-
19 vision of the Kuomintang Government, is a new political
20 organ which has in its hand the power to negotiate with
21 Japan and Menchoukuo for the maintenance of amicable
22 relations with them. The domain over which the power
23 of this political organ will be exercised comprises
24 Hopei and Chahar Provinces, and Shantung, Suiyuan and
25 Shansi Provinces are governed by Han Fu-chu and Yen

1 "Hsi-shan respectively."

2 The prosecution next offers in evidence IPS
3 Document No. 724B. This is a cable, No. 409, despatched
4 on May 7, 1936 by Ambassador UEDA to Foreign Minister
5 ARITA. We offer the entire text.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Document No. 724B will
8 be marked Exhibit No. 212.

9 (Whereupon, prosecution's exhibit No.
10 212 was received in evidence.)

11 MR. HYDER (Reading): "According to top
12 secret military unofficial reports, the Inner Mongol-
13 ian policy recently made steady progress, and Prince
14 Te, together with LI Shou-hsin, CHUO Tepachapu, WU Hao-
15 ling and TANAKA, Hisahi, Japanese Special Service Chief,
16 met at West Wuchumuhsin with the representatives of
17 Mengchenhui, Hsilinkuolemeng, Tsakharmeng, Ulanchapmeng,
18 Tumotech, Alashan, Koshimouchi, Ikochaomeng, Tsinghai
19 and Outer Mongolia and held the so-called State-Founding
20 Conference from the 21st to the 26th of last month.
21 Chief matters adopted at the Conference were reported
22 as follows:

23 "1. The plan to found the Mongolian State by
24 amalgamating Mongolia and both Inner and Outer Tsinghai
25 (excluding Ssumeng which belongs to Manchukuo.)

1 "2. The plan to adopt a monarchy (But a Committee
2 system will be adopted for the time being.).

3 "3. The plan to found a Mongolian Congress.

4 "4. The plan to organize a military government.

5 "5. The plan to conclude a mutual assistance
6 agreement with Manchukuo."

7 Skipping the next paragraph.

8 "The Military Government was reported to have
9 removed to Tehwa on the first of this month and to
10 have begun business under the direction of a Japanese
11 advisor. (The copy of the unofficial military report
12 on this matter will be sent through Culture Section
13 Chief, Miyazaki who will reach Tokyo about the middle
14 of this month. The complete copy of the aforesaid
15 matter could not be sent, being objected to by the
16 Japanese Army because of its relations with the Central
17 Army. I beg you to understand this point.)

18 "The staff-officer, TANAKA Ryukichi unofficially
19 informed me that the mutual assistance agreement was
20 expected to be concluded with Manchukuo about the end
21 of this month and that one or two members of this embassy
22 staff and one of the Foreign Ministry could accompany
23 them, if the Ministry so desired. Your instructions
24 are awaited for.

25 "We must pay due regard to how international

1 "relations will be affected by the conclusion of the
2 said agreement, but the military policy, as you know,
3 has been carried on with such absolute secrecy that
4 there seemed to be no newspaper which had an article
5 hitting the mark about the State-Founding Conference
6 except the North China Daily News in North China, which
7 gave a very brief account in its issue of April 22nd
8 and the Shanghai Jiji in Shanghai area, which gave a
9 very vague account in its issue of April 30th. The
10 Army, however, intends to go so far as to recognize
11 the independence of Inner Mongolia, which I hope you
12 will bear in mind."

13 Mrs. Llewellyn will continue for the
14 prosecution.

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1 THE PRESIDENT: Mrs. Llewellyn.
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3 MRS. LLEWELLYN: May it please the Tribunal,
4 the prosecution offers document No. 1871-E. This is
5 a portion of court exhibit No. 192, introduced this
6 morning. The prosecution offers this document to
7 prove that Japanese airplanes appeared far beyond
8 the demilitarized zone in violation of the limited
right granted by Article 2 of the TANGKU Truce.

9 THE PRESIDENT: Admitted on the usual
10 terms.

11 CLERK OF THE COURT: Document No. 1871-E
12 will receive exhibit No. 213.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 213 in evidence.)

16 MRS. LLEWELLYN: The portion offered con-
17 sists of about five paragraphs, and I ask per-
18 mission of the Court to read those paragraphs:

19 "Beginning in the summer of 1935,
20 Japanese military planes flew frequently and landed
21 around Peiping and Tientsin. On 3 August 1935,
22 having received reports to that effect, the Chinese
23 Ministry of Foreign Affairs made its first protest
24 to the Japanese Embassy. It demanded the cessation
25 of such flights. The Japanese replied that they had

A 1 THE PRESIDENT: Mrs. Llewellyn.
b
r 2 MRS. LLEWELLYN: May it please the Tribunal,
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m 3 the prosecution offers document No. 1871-E. This is
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19 "Beginning in the summer of 1935,
20 Japanese military planes flew frequently and landed
21 around Peiping and Tientsin. On 3 August 1935,
22 having received reports to that effect, the Chinese
23 Ministry of Foreign Affairs made its first protest
24 to the Japanese Embassy. It demanded the cessation
25 of such flights. The Japanese replied that they had

1 to refer it to the Japanese Foreign Office in Tokyo.
2 After this preliminary negotiation, these illegal
3 flights of Japanese planes did not decrease at all,
4 on the contrary, they were extended to many other
5 areas -- even to the interior provinces such as
6 Shansi, Suiyuen and Shensi.

7 "The Chinese Ministry of Foreign Affairs
8 again protested and demanded immediate cessation of
9 such flights. The protest stated in substance that
10 these illegal flights of Japanese airplanes in North
11 China would very easily cause misunderstanding. Not
12 only Chinese laws were being ignored, but Chinese
13 sovereignty was also infringed. China had repeatedly
14 been tolerant in view of the fact that many issues
15 in North China had not been settled at that time.
16 Now North China had become peaceful. Therefore, dip-
17 lomatic relation between Japan and China should be
18 promptly conducted on a normal basis. In order to
19 avoid any bad effect upon the readjustment of Sino-
20 Japanese relations, Japan was hereby demanded to take
21 proper measures to stop such illegal actions. Con-
22 sequently the Japanese Government replied that the
23 flight undertaken by Japanese airplanes in Peiping
24 and Tientsin were based upon the provisions under
25 Article 2 of the TANGKU TRUCE. The Chinese Ministry

of Foreign Affairs retorted that such contention on
the part of the Japanese Government was apparently
a false application since Article 2 in the said
truce served a limited purpose of observation during
the evacuation of troops only. Moreover, the area
to which this provision could be applied was also
clearly defined (See text of the TANGKU TRUCE at-
tached below). Therefore, the Japanese false appli-
cation of the said provision could not be tolerated
by the Chinese Government, and again asked that
the Japanese government should immediately stop them.
Even after this retort, these illegal flights of
Japanese airplanes still continued. The Chinese
Ministry of Foreign Affairs, based upon its fixed
policy, continued to negotiate and to demand their
cessation. The Japanese Government, being unable
to argue on that pretext, found yet another excuse.
It replied that the issue in question could be
naturally solved, after the aviation problem between
Japan and China in North China had been settled.

"The Chinese Ministry of Foreign Affairs
immediately retorted that the issue of aviation
liaison between Japan and China in North China was
a problem altogether different in nature from these
illegal flights. They were distinctly two issues

which had no connection between them and which should not be mixed. The demand to have these flights stopped was again made. Moreover, the Chinese Ministry of Foreign Affairs instructed the Chinese Embassy in Japan to protest to the Japanese Foreign Office. HIROTA, the Japanese Foreign Minister, replied that such flights were based upon the interpretation of the TANGKU TRUCE. It took time to take proper measures. After which the area over which the Japanese airplanes made their illegal flights continued to expand and extended to the provinces of Shantung, Kengsu and Ningsha. Occasionally they even flew over the Province of Kiangsu, but during these flights over Kiangsu, they flew very high and their destination was uncertain. The case was different in Peiping, Tientsin, Tsingtao and Tsinan. Not only did they make frequent trips, but also they took passengers and postal mails and used the Chinese air fields by force.

"According to the statistics of responsible governmental institutions, from June 1935 to April 1937 the Japanese planes had made 761 illegal flights--they were only those of which we kept records. The Chinese Ministry of Foreign Affairs had lodged with the Japanese 13 written protests, not to count those

1 which were made orally.

2 "After November 1935, the Japanese Govern-
3 ment failed to reply to the Chinese protests at all."

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1 MR. FURNESS: If the Court please, I
2 don't want to again object, because we have been
3 overruled. I would like to renew my request to
4 the prosecution to give us the date this document
5 was prepared and the circumstances under which it
6 was prepared. It need not be given to us now, but
7 it may be given us tomorrow morning, or some reason-
8 abe time is sufficient.

9 THE PRESIDENT: Well, I would advise you
10 give it tomorrow morning. Mrs. Llewellyn will have
11 an opportunity in the meantime to look into the
12 facts.

13 MRS. LLEWELLYN: Mr. President, we would
14 be very glad to do that.

15 The prosecution next introduces document
16 No. 1791 for identification only.

17 THE PRESIDENT: Admitted, subject to the
18 usual terms.

19 CLERK OF THE COURT: Document No. 1791
20 will receive exhibit No. 214.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 214 in evidence.)

24 MRS. LLEWELLYN: This is a Protocol of
25 Mutual Assistance between the Union of Soviet

1 Socialist Republics and the Mongolian People's
2 Republic, dated 12 March 1936. We offer this
3 document to prove that it was negotiated by Russia
4 and Mongolia as a wedge or safeguard against the
5 Japanese program of aggression and domination
6 upon the mainland of Asia.

7 MR. FURNESS: May I ask whether it is
8 offered as proof of aggression against China, against
9 Russia, or against the Mongolian People's Republic?

10 MRS. LLEWELLYN: It is offered generally
11 to show that it was used as a wedge or safeguard
12 against the expansion toward the west by Japan.

13 MR. FURNESS: The phase now in proof is
14 aggression against China. We object to it on the
15 grounds that this is not relevant to any proof of
16 aggression against China. We do not understand
17 from this that the Protocol was entered into in
18 order to protect China.

19 MRS. LLEWELLYN: The Japanese Army had
20 been pursuing a course towards the west and had
21 occupied Manchuria and was moving into Chahar,
22 Suiyuan and Jehol, and this Protocol is offered
23 to show that Russia and Mongolia agreed that it
24 should not extend further.

25 MR. FURNESS: I submit again, sir, that

1 so far as this phase of the case is concerned, it
2 has no relevancy whatsoever. It may have relevancy
3 later in the case, but aggression against China --

4 THE PRESIDENT: The prosecution claims
5 that it is relevant. Its relevancy may not be ap-
6 parent to the defense yet and may not be apparent
7 even to all the Members of the Court, but it may
8 appear later as you suggest, Mr. Furness. If it
9 does not appear we must reject it. The objection
10 is overruled.

11 Yes, Mrs. Llewellyn.

12 MRS. LLEWELLYN: May I say to the Court --

13 THE PRESIDENT: You may read it.

14 MRS. LLEWELLYN: This is a Protocol of
15 Mutual Assistance Between the Union of Soviet
16 Socialist Republics and the Mongolian People's
17 Republic.

18 (Reading:) "The Governments of the Union
19 of Soviet Socialist Republics and the Mongolian
20 People's Republic

21 "Relying upon the relations of unchanging
22 friendship which have existed between their countries
23 since 1921, when, with the support of the Red Army,
24 the territory of the Mongolian People's Republic
25 was liberated from the White Guard detachments

which were in contact with the military forces which had invaded the territory of the Union of Soviet Socialist Republics,

4 "Guided by the desire to maintain peace
5 in the Far East and to contribute to the further
6 strengthening of the friendly relations existing
7 between them,

8 "Have decided to confirm in the form
9 of the present Protocol the Gentlemen's Agreement
10 existing between them since 27 November 1934, which
11 provides for mutual support with all means in avert-
12 ing and preventing the threat of a military attack,
13 and for rendering each other aid and support in the
14 event of an attack by any third party on the Union
15 of Soviet Socialist Republics or the Mongolian
16 People's Republic, /and/ for which purpose to
17 sign the present Protocol.

18 | "ARTICLE 1.

19 "In the event of a threatened attack on
20 the territory of the Union of Soviet Socialist
21 Republics or the Mongolian People's Republic on
22 the part of a third power, the Governments of the
23 Union of Soviet Socialist Republics and the Mon-
24 golian People's Republic obligate themselves to
25 confer immediately on the situation created and

1 to take all such measures as may be required for
2 the defense of the security of their territories.

3 "ARTICLE 2.

4 "In case of military attack on one of the
5 Contracting Parties, the Governments of the Union of
6 Soviet Socialist Republics and the Mongolian People's
7 Republic obligate themselves to render each other
8 every possible assistance, including military.

9 "ARTICLE 3.

10 "The Governments of the Union of Soviet
11 Socialist Republics and the Mongolian People's
12 Republic deem it self-evident that the troops
13 of either of the Parties found in the territory
14 of the other Party by mutual agreement in fulfill-
15 ment of the obligations laid down in Article I
16 or Article II will be withdrawn from the said
17 territory immediately after the passing of the
18 need for them as was the case with regard to the
19 withdrawal of Soviet troops from the territory
20 of the Mongolian People's Republic in 1925.

21 "ARTICLE 4.

22 "The present Protocol was drawn up in
23 two copies in the Russian and Mongolian languages,
24 both texts having equal validity. It enters into
25 force at moment of signing and will remain in force

1 for ten years from that moment.

2 "Signed in the City of Ulan-Bator-Khoto,
3 12 March in the year one thousand nine hundred and
4 thirty-six.

5 (Signatures follow)"

6 THE PRESIDENT: We will recess now for
7 fifteen minutes.

8 (Whereupon, at 1050 a recess was
9 taken until 1105, after which the proceedings
10 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Hyder.

4 MR. HYDER: The prosecution next offers in
5 evidence IPS document No. 1634-B. This is a dispatch
6 entitled "Gist of Plans for Dealing with North China,"
7 prepared January 13, 1936; from the accused, Foreign
8 Minister HIROTA to Ambassador Ariyoshi in China, under
9 date of January 21, 1936.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Document No. 1634-B
12 will receive exhibit No. 215.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 215 for identification, and was received
16 in evidence.)

17 MR. HYDER: We offer this document to prove
18 that in January, 1936, the Japanese Government con-
19 tinued to assist the Autonomous Movement setting up
20 a specific program for the establishment of self-
21 government in the five provinces, Sui-yuan, Santung,
22 Shan-si, Hopei and Chahar in North China.

23 We next introduce IPS document No. 1634-C.
24 This is a decision of the Prime Minister, Foreign
25 Minister, Finance, War and Navy Ministers on the basic

1 principle of national policy decided August 7, 1936.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Document No. 1634-C

4 will receive exhibit No. 216.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 216 for identification, and was received
8 in evidence.)

9 THE PRESIDENT: Why don't you read each docu-
10 ment as it is tendered, Mr. Hyder?

, 11 MR. HYDER: If the Court please, we will read
12 it if the Tribunal would prefer.

13 THE PRESIDENT: Why do you distinguish between
14 one and another? Some you read and some you do not.
15 What is the reason?

16 MR. HYDER: In the hope that it might expedite
17 the trial if the Tribunal might read it at its con-
18 venience.

19 THE PRESIDENT: When you do not read a docu-
20 ment you suggest, really, that it is not so material
21 after all.

22 MR. HYDER: We seriously urge that it is very
23 material. With your permission, I would like to go
24 back and read excerpts from 1634-B if the Tribunal
25 desires.

1 principle of national policy decided August 7, 1936.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Document No. 1634-C

4 will receive exhibit No. 216.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 216 for identification, and was received
8 in evidence.)

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14 one and another? Some you read and some you do not.
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17 the trial if the Tribunal might read it at its con-
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21 after all.

22 MR. HYDER: We seriously urge that it is very
23 material. With your permission, I would like to go
24 back and read excerpts from 1634-B if the Tribunal
25 desires.

1 principle of national policy decided August 7, 1936.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Document No. 1634-C

4 will receive exhibit No. 216.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 216 for identification, and was received
8 in evidence.)

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10 ment as it is tendered, Mr. Hyder?

11 MR. HYDER: If the Court please, we will read
12 it if the Tribunal would prefer.

13 THE PRESIDENT: Why do you distinguish between
14 one and another? Some you read and some you do not.
15 What is the reason?

16 MR. HYDER: In the hope that it might expedite
17 the trial if the Tribunal might read it at its con-
18 venience.

19 THE PRESIDENT: When you do not read a docu-
20 ment you suggest, really, that it is not so material
21 after all.

22 MR. HYDER: We seriously urge that it is very
23 material. With your permission, I would like to go
24 back and read excerpts from 1634-B if the Tribunal
25 desires.

1 THE PRESIDENT: You must have some reason for
2 reading one document or part of a document and not
3 another document or any part of it. Can you give us
4 the reason in a few words?

5 MR. HYDER: We thought that it might expedite
6 this phase, that the Court might read it at its con-
7 venience.

8 THE PRESIDENT: Expedition cannot be the reason
9 because otherwise you would not read any of them.

10 MR. HYDER: Some of it is cumulative. We
11 should like, if we may, to read excerpts.

12 THE PRESIDENT: It is not a matter of what
13 the Tribunal likes or what I like. What is your
14 reason? Can you give it to me?

15 MR. HYDER: To a certain extent these docu-
16 ments are cumulative of testimony heretofore intro-
17 duced. That being true, we thought that it would
18 expedite the trial to offer the document with the Court
19 reading it at its convenience.

20 THE PRESIDENT: We want you to read the mat-
21 ters you consider important.

22 MR. HYDER: I should like to read certain
23 excerpts from IPS document 1634B Court exhibit No. 215.

24 (Reading). "We have already informed you by
25 telegram of an outline of the plans for dealing with

1 North China' which was drawn up by the army. Attached
2 hereto, we send you a full text of the above-mentioned
3 plans.

4 "Copies sent to Peiping," and so forth.

5 "Instruction to the commander of the station-
6 ary troops in China. 'Gist of plans for dealing with
7 North China.' 13 January 1936. Policy:

8 "The principal objects to be borne in mind in
9 dealing with North China area, are to assist the Chinese
10 people in realizing a self-government in North China by
11 themselves, and thus to let the people enjoy their
12 lives and jobs peacefully; also to let them adjust their
13 relations with Japan and Manchoukuo, and thus promote
14 the mutual welfare of these three nations. In order to
15 realize the above objects, we are determined to give
16 support and guidance to the new political organization
17 and thus expand and strengthen its functions.

18 "Gist of the plans:

19 "1. Territorially speaking, the five provinces
20 of North China will be made the object of the above-
21 mentioned self-government; but we must be careful not
22 to be too eager to enlarge in self-government area; on
23 the contrary, we should first aim at a gradual realiza-
24 tion of self-government in the Hopeh and Chahar pro-
25 vinces as well as in Peiping and Tientsin cities in

1 accordance with the points given in paragraph 2 and
2 others of this letter, and thus, we should aim at
3 inducing the remaining three provinces to join the two
4 voluntarily. Our advice and guidance to the Hopeh-
5 Chahar political council should be given through Mr.
6 Sung che Yuan for the time being, and self-government
7 movements by the people should be encouraged in so far
8 as they remain fair and just, and should make use of
9 them in gradually realizing an actual self-government
10 among the people of these two provinces, thus laying
11 firmly the foundation of the self-government for the
12 five provinces in North China.

13 "With regard to the East Hopeh self-government,
14 we should uphold its independency as long as the self-
15 government function of the Hopeh-Chahar political
16 council remains unsatisfactory, but when the self-
17 government in the Hopeh and Chahar Provinces is estab-
18 lished to such a degree as will generally justify our
19 confidence in it, we should induce the East Hopeh self-
20 government to merge into the Hopeh-Chahar political
21 council at the earliest opportunity as possible."

22 Skipping to the second paragraph under 3:

23 "In giving guidances this time, we are to
24 take no such measures as might be misunderstood (by
25 the world) that Japan is going to set up an independent

1 state like Manchoukuo, or she is intending to carry out
2 an expansion of Manchoukuo; accordingly, appointments
3 of Japanese advisers should be confined to various
4 committees within the (Hopeh-Chahar) political council
5 and to the 29th Army, and their members should be re-
6 stricted to the smallest possible number; moreover,
7 those personnel and material which are necessary for
8 public utilities and exploitation of industries, etc.,
9 inclusive of advisers mentioned above, should be sought
10 from Japan proper as far as possible."

11 Skipping to 4:

12 "Operations towards Inner Mongolia should, of
13 course, be continued on the line pursued hitherto;
14 but those measures which might become obstacles to the
15 strengthening of self-governing power of the Hopeh-
16 Chahar political council and an expansion of self-
17 government in Shan-si and Sui-yuan provinces, should
18 be held back for the time being and the southward expan-
19 sion of Mongolian influence should be kept under proper
20 control; consequently our operations in Inner Mongolia
21 should generally be confined to the areas north of the
22 Great Wall of China, and should not be allowed to extend
23 into the area belonging to East Sui-yuan and Sumong
24 villages.

25 "5. The management of North China would be the

1 duty of the commander of the Japanese stationary troops
2 in China, and as a rule, he should execute this duty by
3 direct contact with the Hopeh-Chahar and East Hopeh
4 governments; in doing so, he should aim at giving
5 advices and guidances informally.

6 "With regard to economic penetration, the
7 stationary forces should not assume a leading part,
8 but should guide it from aside. However, for the con-
9 venience of assisting the Hopeh-Chahar political coun-
10 cil, for the time being we are going to establish in
11 Peiping a provisional organization which would be
12 placed under the supervision of the commander of the
13 Japanese stationary troops in China (concerning prob-
14 lems of the self-government organizations as well as
15 of controlling advisers, etc.)

16 "The Kwantung Army and various organizations
17 in North China should cooperate in these operations.
18 Besides, each military attache in China should act in
19 concert with these operations, especially the military
20 attaches to the Japanese Embassy and those residing in
21 Nanking should try, from time to time, to convince the
22 Nanking Government of the necessity of granting self-
23 government to the North China area, and at the same time
24 should try to get the approval of the Nanking Govern-
25 ment for the six items pertaining to self-governing

1 power for North China area, or at least, get the Nan-
2 king Government's promise that they will carry out no
3 maneuvers which will disturb the self-government in
4 North China.

5 "6. In carrying out 'these plans,' the various
6 military organizations mentioned above, should keep
7 close contact with the officials of the Foreign Office
8 and the Navy stationed in China, as and when the
9 occasion may require."

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1 I would like to read certain excerpts of
2 IPS document 1634-C, which has been admitted into
3 evidence as Court exhibit No. 216, entitled "Basic
4 Principle of National Policy, 7 August, 1936, Decided
5 by Prime Minister, Foreign Minister, Finance Minis-
6 ter, War Minister and Navy Minister.

7 In view of the situation in and out of the
8 Empire, the fundamental national policy to be es-
9 tablished by the Empire is to secure the position
10 of the Empire on the East Asia Continent by dint of
11 diplomatic policy and national defense, mutually
12 dependent on each other, as well as to advance and
13 develop the Empire toward the South Seas. The basic
14 principles are as follows:"

15 Skipping to 2: "We should replete our
16 national defense and military preparations, which are
17 necessary to secure peace for the nation, protect its
18 development, and to ensure the position of the Em-
19 pire, which should be a stabilizing power in East
20 Asia.

21 "3. The fundamental principles of our
22 continental policy are as follows: a sound develop-
23 ment and accomplishment of Manchoukuo; intensifica-
24 tion of national defense of Japan and Manchoukuo in
25 order to eradicate the Soviet menace in the north

1 and at the same time to prepare against Britain and
2 America; and realization of a close cooperation among
3 Japan, Manchoukuo and China for our economic develop-
4 ment. In carrying out these policies, we should be
5 careful to have friendly relations with other count-
6 ries."

7 I would like to point out that the Premier
8 at that time was HIROTA, Koki, and the Navy Minister
9 at that time was NAGANO, Osami, both accused in this
10 case.

11 We next offer in evidence IPS document No.
12 1634-D. This is a decision of the Ministries con-
13 cerned, dated August 11, 1936, on "The second admin-
14 istrative policy toward North China."

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 CLERK OF THE COURT: Document No. 1634-D
18 will receive exhibit No. 217.

19 (Whereupon, prosecution's exhibit
20 No. 217 was received in evidence.)

21 MR. HYDER: I would like to read two ex-
22 cerpts from this document.

23 "The main purpose of our administrative
24 policy toward North China"---

25 MR. BROOKS: If the Tribunal please, I have

1 and at the same time to prepare against Britain and
2 America; and realization of a close cooperation among
3 Japan, Manchoukuo and China for our economic develop-
4 ment. In carrying out these policies, we should be
5 careful to have friendly relations with other count-
6 ries."

7 I would like to point out that the Premier
8 at that time was HIROTA, Koki, and the Navy Minister
9 at that time was NAGANO, Osami, both accused in this
10 case.

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12 1634-D. This is a decision of the Ministries con-
13 cerned, dated August 11, 1936, on "The second admin-
14 istrative policy toward North China."

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 CLERK OF THE COURT: Document No. 1634-D
18 will receive exhibit No. 217.

19 (Whereupon, prosecution's exhibit
20 No. 217 was received in evidence.)

21 MR. HYDER: I would like to read two ex-
22 cerpts from this document.

23 "The main purpose of our administrative
24 policy toward North China"---

25 MR. BROOKS: If the Tribunal please, I have

1 been studying these excerpts from the Foreign Min-
2 istry file. Since they are excerpts, we do not have
3 the whole picture or idea or plan before us. And,
4 since we are reading -- allowing the prosecution to
5 read excerpts from these excerpts, it still further
6 distorts this plan and ideas.

7 In my mind, I think that it should be ob-
8 jected to, that if he's going to put this whole ex-
9 cerpt, and the Court is going to allow that to go in,
10 that the whole part of it should be read so that the
11 defendants have a chance to hear it, because they
12 can't have a chance to know what is in there, and we
13 don't have any opportunity to get these papers, to
14 read them, and the time to do it, if it were pos-
15 sible.

16 THE PRESIDENT: There is something I want
17 to say, Captain Brooks. I suppose they really ex-
18 tract from a document only what they think is useful,
19 and we would expect them to read to us everything
20 that is useful. Nevertheless, if that would great-
21 ly protract the proceedings, we may have to be sat-
22 isfied to hear a limited reading of the excerpts.

23 MR. BROOKS: Should we consider, if the
24 Tribunal please, anything that is not read into the
25 record as really evidence against the defendants

1 here, if they do not get the opportunity to hear
2 these things that are being offered in evidence?

3 As I understand the practice, on consulting
4 the record, anything that is read into the record
5 is admissible against the defendants and is per-
6 mitted to come in; but, if it's offered in evidence,
7 and only excerpts are read, that the remaining por-
8 tion which the defendants have not heard -- and they
9 have not been given the opportunity to consult with
10 counsel on those matters. And in this case, if these
11 things are not read, the defendants can't hear it and
12 say "That is not true" and call those little points
13 to our attention that are so important in straightening
14 out the apparently wrong idea that I believe has been
15 given in a number of cases.

16 THE PRESIDENT: Of course, if the whole ex-
17 tract is supplied to you, then you know not only
18 what is read but what is not read, and the part not
19 read can be tendered by the defense later.

20 As the defense is not prejudiced, I suppose
21 we should rely upon the good judgment of the prose-
22 cution. I have been thinking really of the conven-
23 ience of the Tribunal. We would like to have in the
24 record all that is really material, but that may
25 protract the proceedings unduly.

1 MR. BROOKS: If the Court please, would the
2 Tribunal consider a ruling that only that matter that
3 is read into the record could be considered as in
4 evidence against these defendants?

5 THE PRESIDENT: This question was raised
6 in Germany, but I believe they changed their view
7 about it. I never dared to shut out evidence that
8 wasn't read into the record. There may be some
9 material stuff not read in.

10 MR. BROOKS: We would like to have a little
11 time to give the Court a full explanation of this
12 proposition. However, I think that it does work
13 a hardship on the defense attorneys, and also on
14 the defendants, in trying to prepare a case because
15 that means that everything must be reviewed; if it's
16 only a paragraph or two, everything must be reviewed;
17 and a book, if it's put in evidence, regardless of
18 whether it is a thousand pages -- and right now the
19 text is getting into an unheard of quantity for read-
20 ing that we must read and explain and discuss with
21 our defendants.

22 THE PRESIDENT: What support have you got
23 from the other defendants on this issue?

24 MR. BROOKS: I would like also to point
25 out to the Court that on a matter of this type,

1 where we have so much evidence to review, it is
2 important that the burden not be placed on the de-
3 fense to scan this. I am not criticizing them by
4 saying they are not being fair, but I am saying that,
5 from a different point of view and a different atti-
6 tude, something they do not consider material, we
7 consider very material and would be explained.

8 MR. LOGAN: If the Tribunal please, I think
9 we have stated our policy with regard to this on
10 several occasions, and I can think of a no more
11 concrete example of what we have been talking about
12 for the past days than this document 1634-C, prose-
13 cution's exhibit 216, which has just been offered in
14 evidence.

15 The prosecution has offered this document
16 and read three paragraphs from it. The three para-
17 graphs which they have read create an impression with
18 regard to military aggression. They have omitted
19 paragraphs one and three which show an entirely dif-
20 ferent purpose.

21 We have consistently asked for the right to
22 read excerpts on the prosecution's case from a docu-
23 ment which they have not read. In other words, they
24 read certain excerpts from a document. We've asked
25 for the right to read other excerpts which tend

1 where we have so much evidence to review, it is
2 important that the burden not be placed on the de-
3 fense to scan this. I am not criticizing them by
4 saying they are not being fair, but I am saying that,
5 from a different point of view and a different atti-
6 tude, something they do not consider material, we
7 consider very material and would be explained.

8 MR. LOGAN: If the Tribunal please, I think
9 we have stated our policy with regard to this on
10 several occasions, and I can think of no more
11 concrete example of what we have been talking about
12 for the past days than this document 1634-C, prose-
13 cution's exhibit 216, which has just been offered in
14 evidence.

15 The prosecution has offered this document
16 and read three paragraphs from it. The three para-
17 graphs which they have read create an impression with
18 regard to military aggression. They have omitted
19 paragraphs one and three which show an entirely dif-
20 ferent purpose.

21 We have consistently asked for the right to
22 read excerpts on the prosecution's case from a docu-
23 ment which they have not read. In other words, they
24 read certain excerpts from a document. We've asked
25 for the right to read other excerpts which tend

1 to explain or contradict the matters which the prose-
2 cution has read. We contend that this same prin-
3 ciple applies to affidavits, confessions or declara-
4 tions of the accused, and documents, and the purpose
5 of it is that, if the prosecution intends to read
6 any part of a document, that they should read the
7 entire document so the accused will know the matters
8 of which they are being charged. That, I think, in
9 general, is our position in this matter.

10 THE PRESIDENT: The Court will consider
11 the matter, and for that purpose we will adjourn now
12 until half past one.

13 (Whereupon, at 1145, a recess was
14 taken.)

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1 AFTERNOON SESSION

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3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.

5 THE PRESIDENT: The decision of the Court
6 on the matter reserved before lunch is to this effect:

7 The prosecution may read so much of an ex-
8 cerpt as they think fit. As the whole of the excerpt
9 is in evidence, it will be for the defense, if they
10 see fit when they are presenting their case later on,
11 to read so much of the balance of the excerpt as they
12 think fit. They may, of course, also refer to it when
13 addressing. The defense are already supplied with a
14 copy of the whole of the excerpt and will not be at
15 any disadvantage because the whole of the excerpt is
16 not read by the prosecution.

17 Our decision on this point is in accord with
18 what it would be if we were trying our own nationals.
19 We are following the practice in our national courts.

20 The objection is overruled.

21 MR. LOGAN: If it please the Tribunal, may
22 we ask for a further clarification, not with respect
23 to the ruling you have made, but something in addition
24 which we think is important. When a document has been
25 offered in evidence, and the prosecution only reads

1 excerpts from it, are we correct in our understanding
2 that the only portion of that document which is con-
3 sidered a part of the record is the excerpt which has
4 been read?

5 THE PRESIDENT: The whole of the evidence is
6 part of the record, and the evidence includes the docu-
7 ments tendered in evidence.

8 MR. LOGAN: If the Tribunal please, that is
9 the proceeding, as we understand it, in our country,
10 but here we have a special situation. The Charter
11 provides that the accused should be confronted with
12 documents and evidence in their own language.

13 THE PRESIDENT: You get a translation of every
14 word and every document so far as the document is
15 tendered against you. That is all the Charter requires,
16 and it is enough.

17 MR. LOGAN: May I respectfully refer the
18 Tribunal to the rulings at Nuernberg with respect to
19 that. I think they are applicable here.

20 THE PRESIDENT: It cannot be that at Nuern-
21 berg the Court orders the defense to be supplied with
22 documents which are not tendered in evidence.

23 MR. LOGAN: My argument is based on a little
24 different ground, if it please the Tribunal. Where
25 a document is offered in evidence, and only excerpts

1 are read, the accused do not know what is contained
2 in those documents which have not been read.

3 THE PRESIDENT: The whole of every document
4 is made available for examination by you in the of-
5 fice of the General Secretary. You are really asking
6 us to depart from our rules. We may do so: we reserve
7 the right in the rules themselves; but what justifi-
8 cation is there here for that? This matter has already
9 been fully argued.

10 MR. LOGAN: I do not recall, if the Tribunal
11 please, this point being raised before. What I am
12 arguing for, is that a document is only considered
13 part of the record when it is read into the record.
14 I do not recall the Tribunal having passed on that.
15 Now, under Rule 6(b), as it was originally, it was
16 required that the prosecution furnish copies of the
17 complete documents. There have been exceptions - - -

18 THE PRESIDENT: You are confusing the record
19 with the transcript of what is spoken in court; they
20 are two distinct things.

21 It is the Court's duty to consider every part
22 of a document which is tendered in evidence; that is,
23 so far as it is tendered in evidence, whether the
24 contents of the document are read in court or not.

25 MR. LOGAN: That, if it please the Tribunal,

1 are read, the accused do not know what is contained
2 in those documents which have not been read.

3 THE PRESIDENT: The whole of every document
4 is made available for examination by you in the of-
5 fice of the General Secretary. You are really asking
6 us to depart from our rules. We may do so: we reserve
7 the right in the rules themselves; but what justifi-
8 cation is there here for that? This matter has already
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16 required that the prosecution furnish copies of the
17 complete documents. There have been exceptions - - -

18 THE PRESIDENT: You are confusing the record
19 with the transcript of what is spoken in court; they
20 are two distinct things.

21 It is the Court's duty to consider every part
22 of a document which is tendered in evidence; that is,
23 so far as it is tendered in evidence, whether the
24 contents of the document are read in court or not.

25 MR. LOGAN: That, if it please the Tribunal,

1 is the point I am trying to make; that is, that under
2 these exceptions that have been made to Rule 6(b) we
3 are not furnished with a complete Japanese translation
4 of an English document, or an English translation of
5 a Japanese document; and when that whole document is
6 offered in evidence our contention is that it is not
7 part of the record; that only that part which has been
8 read by the prosecution is part of the record, and
9 that is the decision of the Nuernberg cases. They
10 hold specifically there that only that part which is
11 read in the court will form part of the record.

12 THE PRESIDENT: Unless I am mistaken, that
13 rule no longer obtains at Nuernberg. They have altered
14 it.

15 MR. LOGAN: Well, may we ask that it be
16 followed here, if the Tribunal please, in the interest
17 of the accused, because they certainly do not know
18 what is in these documents that are filed down in the
19 Secretariat's office, and they should --

20 THE PRESIDENT: The decision we gave this
21 afternoon is quite inconsistent with your application
22 that we should treat as evidence only what is spoken
23 in court. That is what it amounts to.

24 Dr. KIYOSÉ.

25 DR. KIYOSÉ: In connection with this problem,

1 there are a few points regarding which we have some
2 doubts and would like to make some inquiries. Accord-
3 ing to Rule 6(b), evidence to be presented -- every
4 copy of evidence or every extract of evidence to be
5 submitted -- presented to the Tribunal should be
6 properly marked, either by the defense or the prose-
7 cution. Thus, we should like to have the matter
8 clarified by this Tribunal -- whether this present
9 rule is now in application or whether only the spoken
10 words become a part of the record.

11 MR. BROOKS: If the Tribunal please, there
12 is --

13 THE PRESIDENT: Wait until I answer him.
14 I have already given the answer in what I
15 said to Mr. Logan. Dr. KIYOSE evidently was not
16 listening.

17 MR. BROOKS: If the Tribunal please, I
18 believe there is a misapprehension on what my request
19 for a ruling was intended to cover, not only by some
20 of my associate counsel, but also, with great respect,
21 I believe on the part of some of the Members of the
Court.

22 THE PRESIDENT: I am the only Member of the
Court you heard; so it must be on my part.

23 MR. BROOKS: Well, not necessarily, Mr. President.

I agree that, as the Court has stated thus far,
1 everything that is put in by the prosecution is in
2 here in the proceedings, is before the public, and
3 the defense can bring in other things equally as
4 valuable to put in in defense. But that is still
5 not inconsistent with the point I have in mind. I
6 wish to have made public, not only those things that
7 the prosecution and defense consider important --
8 and made into this proceeding and into this record
9 in open court -- the statements for and against each
10 point raised. Now, these matters that are of such
11 importance to pass judgment upon will be in that
12 record; and they should all be in there. They should
13 be brought out in this court before these defendants
14 so that they can answer them. They should be brought
15 out before the public, and for the knowledge of the
16 people of the world to know upon what basis the Court
17 passed judgment. There should not be left anything
18 in the record filed here, if that is what the Court
19 is discussing. When I talked about the record before,
20 I meant these records of proceedings, and I think that
21 everything that is of sufficient importance for con-
22 viction or for defense material can be brought out.

23 THE PRESIDENT: The things you are asking are
24 not necessary in the interests of a fair trial of the
25

1 Japanese. You are asking us to do things for these
2 Japanese accused that are not done for our own na-
3 tionals accused of crime, not in any court among the
4 Allied Powers. You must accept the Court's decision.
5 We will not hear you further.

6 MR. BROOKS: I have asked the Court that
7 reason because before I was not allowed to complete
8 it. The Court had recessed before I was allowed to
9 give this completely.

10 THE PRESIDENT: Mr. Hyder.

11 MR. HYDER: With the permission of the
12 Court, in compliance with the ruling, I should like
13 to read excerpts of I. P. S. document No. 1634D, now
14 in evidence as Court Exhibit 217. (Reading):

15 "The main purpose of our administrative
16 policy toward North China --

17 THE PRESIDENT: Where are you reading from?

18 MR. HYDER: 1634D, Court Exhibit No. 217.

19 THE PRESIDENT: Yes, read, Mr. Hyder.

20 MR. HYDER: (Reading)

21 "The main purpose of our administrative
22 policy toward North China is to assist the people in
23 North China in procuring perfect independence in
24 administration and to set up anti-communistic and
25 pro-Japanese and pro-Manchurian area and to secure

1 necessary materials for our national defense, as well
2 as to improve the facilities of transportation against
3 the possible invasion of Soviet Russia, and for making
4 North China a base for the cooperation of Japan, Man-
5 chukuo and China as well as for mutual aid.
6

7 "II. For this purpose, we should guide the
8 local political powers and make the Nanking Government
9 recognize the characteristic feature of North China
10 so that the Nanking Government may not only hinder the
11 self-administration of North China, but also may afford
12 a special and comprehensive power of self-government.

13 "The gist of the policy.

14 "I. Contents of self-government.

15 "The contents of self-government consists in
16 making the North China Government exercise its power
17 over the finance, industries and transportation of
18 North China and in making North China free from the
19 anti-Japanese interference of the Nanking Government by
20 our taking political and economic policy, aiming at the
21 cooperation and the mutual aids of Japan, Manchukuo and
22 China as well as by the promotion of the happiness of
23 the people in North China. We should strictly avoid
24 such acts as would be suspected of disapproving China's
25 territorial right of North China or of bringing about
 an independent country free from the Nanking Government

1 or of making North China an extension of Manchukuo.

2 "II. Scope for self-government.

3 "Five provinces in North China should finally
4 be put under self-government."

5 Skipping to III:

6 "Guidance of Hopeh and Chahar political powers.

7 "Our fair and square attitude is required for
8 the guidance of the political powers of these two
9 provinces. We should improve the governmental system
10 and purge and innovate the personnels of the govern-
11 ments. We should also try to abolish the financial,
12 economic and military administration of the Chinese
13 military cliques, thus brightening the whole area and
14 drawing the people's heart to Japan."

15 Skipping to the next paragraph:

16 "IV. Guidance of the East Hopeh Autonomy
17 Government.

18 "In guiding the East Hopeh Autonomy Govern-
19 ment, an advice should be given to the government so
20 that the internal administration may be reformed, and
21 that the reforms may serve as example for the Hopeh
22 and the Chahar Government to follow."

23 Skipping to VI:

24 "The purpose of our economic development in
25 North China is to create an inseparable connection

1 between China and Japan based on the mutual economic
2 interest promoted by the civilians' free investment
3 and also to make it contribute toward the preservation of
4 friendly relations between Japan and North China, both
5 in time of war or peace. Iron, coal and salt existing
6 in the province should be utilized for our national
7 defense and for the promotion of our transportation
8 facilities and electric power."

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1 MR. FURNESS: At this time the defense would
2 like to call attention to a very important error in
3 translation. In sixth line, paragraph one, it says:
4 "against the possible invasion of Soviet Russia." I
5 am advised by my Japanese counsel that this should read:
6 "against the possible invasion by Soviet Russia." I
7 wish to call it to the attention of the Tribunal.

8 THE PRESIDENT: I take it your purpose,
9 Major Furness, is to correct an error which would
10 otherwise appear on the face of the transcript of
11 the proceedings here.

12 MR. FURNESS: That is correct, sir.

13 THE PRESIDENT: Well, that is sufficient.
14 But in order to make sure that it is a mistake, I
15 hope you consulted our Language Section first.

16 MR. FURNESS: I regret that I did not, but
17 it is a simple matter to consult them now and to
18 consult the arbiters, the monitor.

19 THE PRESIDENT: It is a serious matter to
20 interrupt the proceedings of this Tribunal without
21 just cause. You should have made a reference first
22 to the Language Section and there may have been no
23 need to interrupt us.

24 MR. FURNESS: I respectfully submit, sir, if
25 the error is there and is important, it is important

1 to call it to the Court's attention whatever the time.

2 THE PRESIDENT: You should have consulted the
3 Language Section first, Major Furness.

4 MR. FURNESS: Shall I bring it up then to-
5 morrow morning after they have had a chance to check
6 it?

7 THE PRESIDENT: Yes.

8 MR. HYDER: The prosecution next offers in
9 evidence IPS Document No. 1634F. It is marked "Item
10 9b."

11 THE PRESIDENT: Admitted on the usual terms.

12 MR. HYDER: I would like to read two short
13 excerpts from them, if I may.

14 THE PRESIDENT: What is the number?

15 CLERK OF THE COURT: Document No. 1634F will
16 be marked "Exhibit No. 218."

17 (Whereupon, prosecution's exhibit No.
18 218 was received in evidence.)

19 MR. HYDER: This is decision of the Minis-
20 tries concerned, dated February 20, 1937 and "The
21 Third Administrative Policy toward North China."
22 "The object in view. 1. -- "

23 MR. BROOKS: If the Court please. All we
24 have got is two lines. I thought this was bottom on
25 excerpts. Apparently there has been a mistake. We

1 have not got any printing on it.

2 MR. HYDER: If the Court please, there is
3 two.

4 THE PRESIDENT: That sort of thing can be
5 rectified without interrupting the proceedings of
6 the Tribunal. Captain Brooks could have approached
7 Mr. Darsey. I am getting apprehensive about all
8 these interruptions -- unnecessary interruptions.

9 MR. BROOKS: If the Court please, we want
10 to put on a defense here of some kind and I cannot
11 do it without the papers, and we have a right to
12 have them served on us, and that is what I am ob-
13 jecting for.

14 MR. HYDER: These documents were delivered
15 to the defense. Our record so shows.

16 THE PRESIDENT: It appears they are trying
17 to force on the attention of the Tribunal every petty
18 little difficulty which could be straightened out
19 by a reference to the prosecutors without coming to
20 the Court.

21 MR. HYDER: The document is three pages in
22 length. There is one short paragraph on Page 1 and
23 two full pages. I will begin with "The Third Admin-
24 istrative Policy toward North China. February 20, 1937."

25 (Reading): "The object in view. 1. The

1 "principal object of administrating North China is
2 to complete our aim of making Manchukuo quite pro-
3 Japanese and pro-anti-comintern, procuring defense
4 materials, enforcing transportation, preparing the
5 defense against U.S.S.R. and establishing the concert
6 between Japan, Manchukuo and China.

7 "2. To complete the above object, we do our
8 best for the economic policy in North China, aid in
9 secret the government of North China and make the
10 Nanking Government recognize the speciality of
11 North China and aid the concert between Japan, Man-
12 chukuo and China.

13 "Principles. 1. Attitude toward Administrating
14 North China. The measures which we took for North
15 China made the foreign powers think that we were
16 aggressive in China. So we must abstain from all
17 the actions as give other powers misunderstanding of
18 our intention. We should do our best for the culture
19 of the people in North China."

20 Skipping to paragraph five.

21 "Object of developing economy. We welcome
22 the investment of private capitals, and by the
23 extension of our rights and interests in North China
24 we establish the close friendship between Japan and
25 China. By thus establishing the friendship not only

1 "in time of peace but in time of war we may procure
2 the materials for munition industries."
3

4 We next offer in evidence IPS Document No.
5 1634-G. These are titled "Plans for Guiding North
6 China (Decided by the Foreign, Finance, War and Naval
Ministers)", dated April 16, 1937.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Document No. 1634-G
9 will receive Exhibit No. 219.

10 (Whereupon, prosecution's exhibit No.
11 219 was received in evidence.)

12 MR. HYDER: I would like to read two ex-
13 cerpts if I may.

14 (Reading): "Plans for Guiding North China
15 (Decided by the Foreign, Finance, War and Naval Min-
16 isters) 16 April 1937. General Policy. 1. The
17 essence of the guidance of North China is to make
18 the said area virtually a firm anti-Communistic
19 pro-Manchu Japanese region, and also contribute to the
20 acquisition of communicational facilities, thus
21 partly preparing against the Red threat and partly
22 forming a foundation for realizing the unity and
23 mutual aid of Japan, Manchukuo and China.

24 "2. In order to attain the above aims, for the
25 present our first and main efforts will be in carrying

1 "out economical measures with the North China populace
2 as object. When carrying out the above measures,
3 besides internal guidance of the North China regime,
4 the Nanking regime must be guided through policy applied
5 to it to recognize the special position of North China,
6 and to voluntarily cooperate to the policies of Sino-
7 Manchu-Japanese unity and mutual aid.

8 "Important Principles. 1. Attitude in guiding
9 North China. It cannot be denied that our policy towards
10 North China what with the geographical peculiarities
11 of the region, has not infrequently in the past given
12 'the erroneous impression to China and other powers that
13 our Empire has the intentions of enlarging the truce
14 zone, advancing the frontier of Manchukuo or else
15 realizing the independence of North China. So in our
16 future policy towards North China, together with strict
17 precautions against actions which may arouse such un-
18 necessary misinterpretations, it is vitally important
19 to attend solely to the execution of cultural and eco-
20 nomic measures having as main objects secure and facile
21 life and work for the North China populace, thus con-
22 tributing to the achievement of our expected aims."

23 Skipping to Paragraph Five.

24 "General lines for economical development. The
25 aims of economical development of North China is,

1 "together with promoting our interests which advocates
2 the free advance of civilian capital, to invite Chinese
3 capital also, thus constructing as inseparable Sino-
4 Japanese situation based on the economical profits of
5 Chinese and Japanese in accord, and to contribute to
6 the maintenance of North China's pro-Japanese attitude
7 both in peacetime and in war. Especially the develop-
8 ment of those military resources vital to national de-
9 fence (iron, coal, salt, etc.) and the establishments
10 of communications, electricity, etc., connected to this
11 shall be speedily realized, by special capital if nec-
12 essary."

13 Judge McKenzie will continue for the prose-
14 cution.

15 THE PRESIDENT: Mr. McKenzie.

16 MR. MCKENZIE: If the Tribunal please, when
17 I was on the floor last, the Tribunal had asked for some
18 maps. I had the maps which were attached to the Lytton
19 Report photostatted and, by agreement with defense
20 counsel, I had selected the nine maps I thought most
21 important, had them processed and distributed to the
22 Tribunal before their introduction in evidence. I also
23 talked with those defense counsel available and asked
24 them about the number of copies that they would accept,
25 in view of the scarcity of the photostatic paper, and

1 "together with promoting our interests which advocates
2 the free advance of civilian capital, to invite Chinese
3 capital also, thus constructing as inseparable Sino-
4 Japanese situation based on the economical profits of
5 Chinese and Japanese in accord, and to contribute to
6 the maintenance of North China's pro-Japanese attitude
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18 maps. I had the maps which were attached to the Lytton
19 Report photostatted and, by agreement with defense
20 counsel, I had selected the nine maps I thought most
21 important, had them processed and distributed to the
22 Tribunal before their introduction in evidence. I also
23 talked with those defense counsel available and asked
24 them about the number of copies that they would accept,
25 in view of the scarcity of the photostatic paper, and

1 it was suggested by counsel, though they thought five
2 sets would be adequate, although they advised me they
3 could not speak for all of defense counsel. When they
4 were served on defense counsel, they then requested that
5 the balance of the maps, the other five that did not
6 pertain to Manchuria, should be served upon them. I
7 have had those processed and I now desire to offer in
8 evidence a complete set of the fourteen maps attached
9 to the Lytton Report.

10 THE PRESIDENT: Admitted on the usual terms.

11 DR. KIYOSÉ: Regarding these maps, Mr. Pres-
12 ident, none of Japanese counsel have seen a single
13 copy. We do not necessarily wish to raise any objec-
14 tion but we would think it would be more advisable to
15 stay the matter until tomorrow.

16 CLERK OF THE COURT: These maps will be marked
17 Exhibit No. 220.

18 (Whereupon, prosecution's exhibit No.

19 220 was received in evidence.)

20 MR. MCKENZIE: And may I advise the Tribunal
21 that I attached to the original the two receipts from
22 defense counsel for five sets of each, the first nine
23 and the second five.

24 THE PRESIDENT: I think you should make an
25 endeavor to give Dr. Kiyose a set of those maps, Mr.

1 McKenzie.

2 DR. KIYOSÉ: We do not wish to interrupt the
3 proceedings, your Honor, but before these maps are
4 offered in evidence, we should like to be given an
5 opportunity to see them over. We wish that you would
6 advise accordingly.

7 THE MONITOR: "So that they could provide other
8 evidence in its place."

9 THE PRESIDENT: Well, that would involve a
10 waste of time. If later Dr. KIYOSÉ can point out any-
11 thing wrong in the maps, we will, of course, act on
12 that.

13 DR. KIYOSÉ: Mr. President, I have received
14 a copy of these maps but others of my Japanese counsel
15 numbering over twenty have not received any. I do not
16 think it would be proper to continue the proceedings
17 until all of them have copies.

18 THE PRESIDENT: The proceedings will continue.
19 As I said before, in Germany they get only two copies
20 of these things. That is to say, the defense get only
21 two copies.

22 MR. MCKENZIE: If the Tribunal please, I
23 desire now, as we enter a new phase of the Manchurian
24 aggression, to refer again to the Lytton Report on Page
25 88 and to read and paraphrase Chapter Six, Part One.

1 This deals with stages of the formation of the new
2 state and paragraph one deals with the chaotic conditions
3 resulting from Japanese occupation of Mukden.

4 Beginning with the second paragraph, I desire
5 to read that, the first two paragraphs on Page 89 and
6 the first three sentences of the third paragraph.

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(Reading)

1 The immediate necessity was the organiza-
2 tion of a municipal government and the restoration of
3 the ordinary civic life of the city. This was under-
4 taken by the Japanese and carried through quickly
5 and efficiently. Colonel Doihara was installed as
6 Mayor of Mukden, and within three days normal civil
7 administration was restored. Several hundred police
8 and most of the prison warders were brought back with
9 the help of General Tsang Shih-yi, the Civil Governor
10 of the Province, and the public utility services
11 were restored. An Emergency Committee, with a major-
12 ity of Japanese members, helped Colonel Doihara, who
13 held his post for one month. On October 20th, the
14 reins of municipal government were restored to a
15 qualified Chinese body, with Dr. Chao Hsin-po (a law-
16 yer who had studied for eleven years in Japan and
17 was a Doctor of Law of Tokyo University) as Mayor.

19 The next problem was to re-organise the
20 provincial administration in each of the Three Pro-
21 vinces. This task was more difficult in Liaoning
22 than in either of the other two, because Mukden was
23 the centre of this provincial administration; most
24 of the influential men had fled, and for a time a
25 Chinese provincial administration continued to be

1 carried on at Chinchow. It was three months, there-
2 fore, before the re-organisation was completely ac-
3 complished. Lieutenant-General Tsang Shih-yi, the
4 existing President of the Liaoning Provincial Govern-
5 ment, was first approached on September 20th and
6 invited to organise a Provincial Government, inde-
7 pendent of the Chinese Central Government. This he
8 refused to do. He was then put under arrest and
9 released on December 15th.

10 "After General Tsang Shih-yi had refused
11 to help in the establishment of an independent Govern-
12 ment, another influential Chinese official, Mr. Yuan
13 Chin-kai, was approached. He was a former provincial
14 governor and a Vice-President of the North-Eastern
15 Political Committee. The Japanese military authori-
16 ties invited him and eight other Chinese residents
17 to form a "Committee for the Maintenance of Peace and
18 Order". This Committee was declared to have been
19 formed on September 24th. The Japanese Press at
20 once acclaimed it as the first step in a separatist
21 movement, but Mr. Yuan Chin-kai publicly disclaimed
22 any such intention on October 5th. The Committee,
23 he said, had "been brought into being to preserve
24 peace and order after the breakdown of the former
25 administration. It assisted, moreover, in relieving

refugees, in restoring the money market, and it attended to some other matters, solely for the sake of preventing unnecessary hardship. It had, however, no intention of organising a Provincial Government or declaring independence".

"On October 19th, the Committee opened the Board of Finance, and Japanese advisers were appointed to assist the Chinese functionaries. The Director of the Board of Finance had to obtain the approval of the military authorities before giving effect to the Board's decisions. In the districts, the tax collectors' offices were controlled by the Japanese gendarmerie or other agencies."

Passing now to the third from the last paragraph on the page:

"On October 21st, the Board of Industry was opened by the Committee, whose name was now changed to that of "Liaoning Province Self-Government Office". The consent of the Japanese military authorities was sought and obtained and a number of Japanese advisers were appointed. Before issuing any orders, the Director was required to obtain the approval of the Japanese military authorities.

"Lastly, the Liaoning Self-Government Office organised a new North-Eastern Communications

Committee, which gradually assumed control of
various railways, not only in Liaoning Province, but
also in Kirin and Heilungkiang. This Committee was
separated from the Liaoning Self-Government Office
on November 1st.

"On November 7th, the Liaoning Province
Self-Government Office transformed itself into the
Liaoning Provincial Government ad interim, which
issued a declaration by which it severed its rela-
tions with the former North-Eastern Government and
with the Central Government at Nanking. It request-
ed the local governments in Liaoning to abide by the
decrees it had issued, and announced that hence-
forth it would exercise the authority of a Provin-
cial Government. On November 10th, a public opening
ceremony took place.

"Simultaneously with the transformation of
the Self-Government Office into the Liaoning Provin-
cial Government ad interim, a Supreme Advisory Board
was inaugurated under the chairmanship of Mr. Yu
Chung-han, who had been Vice-Director of the Peace
and Order Maintenance Committee. Mr. Yu announced
the objects of this Board as: the maintenance of
order, the improvement of administration by the sup-
pression of bad taxes, the reduction of taxation,

1 and the improvement of the organisation of produc-
2 tion and sale. The Board was, furthermore, to direct
3 and supervise the acting Provincial Government, and
4 to foster the development of local self-government
5 in accordance with the traditions of local communi-
6 ties and with modern needs. It comprised sections
7 dealing with general affairs, investigation, protocol,
8 guidance, supervision, and an Institute for Training
9 in Self-Government. Nearly all the important func-
10 tionaries were Japanese.

11 "On November 20th, the name of the Province
12 was changed to that of Fengtien, which had been its
13 name before its union with Nationalist China in 1928,
14 and, on December 15th, Mr. Yuan Chin-kai was replaced
15 by General Tsang Shih-yi, who was released from his
16 confinement and installed as Governor of Fengtien
17 Province.

18 "The task of establishing a provincial
19 Government in the province of Kirin was far easier.
20 On the 23rd, the Commander of the 2nd Division,
21 Major-General Tamon, had an interview with Lieutenant-
22 General Hsi Hsia, the acting head of the provincial
23 administration in the absence of General Chang Tso-
24 hsiang, and invited him to assume the chairmanship
25 of the Provincial Government. After this interview,

General Hsi Hsia summoned the various Government
1 organisations and public associations to a meeting
2 on September 25th, which was also attended by Japanese
3 military officers. No opposition was expressed
4 to the idea of establishing a new provisional government,
5 and a proclamation to that effect was published
6 on September 30th. The Organic Law of the new Provincial
7 Government of Kirin was subsequently announced.
8 The committee system of government was abolished, and
9 Governor Hsi Hsia took full responsibility for the
10 conduct of government. Some days later, the principal
11 officials of the new Government were appointed
12 by him and some Japanese functionaries were added
13 later. The chief of the Bureau of General Affairs
14 was a Japanese. In the districts also, some administrative
15 re-organisation and change of personnel
16 took place. Out of forty-three districts, fifteen
17 were re-organised, which involved the dismissal of
18 the Chinese District Officers. In ten others, the
19 District Officers were retained after declaring their
20 allegiance to General Hsi Hsia. The others still
21 remained under Chinese military leaders loyal to
22 the old regime, or kept aloof from the contending
23 factions.

25 "The Chief Administrator of the Special

1 District, Lieutenant-General Chang Ching-hui, was
2 friendly to the Japanese. He had no military force
3 behind him, whereas the old regime could still dis-
4 pose of considerable forces both in Kirin and
5 Heilungkiang, as well as the railway guards in the
6 Special District itself. On September 27th, he
7 summoned a conference in his office at Harbin to dis-
8 cuss the organisation of the Emergency Committee of
9 the Special District. This Committee was formed
10 with General Chang as Chairman and eight other mem-
11 bers, amongst whom were General Wang Juihwa and
12 General Ting Chao, who later, in January 1932, be-
13 came the leader of the "anti-Kirin" forces, in op-
14 position to General Hsi Hsia. On November 5th, the
15 anti-Kirin Army, under the command of the Generals
16 of Chang Tso-hsiang, established a new Kirin Pro-
17 vincial Government at Harbin. After General Chang
18 Ching-hui had been appointed, on January 1st, 1932,
19 Governor of Heilungkiang, he declared in that capa-
20 city the independence of the Province on January 7th.
21 On January 29th, General Ting Chao took possession
22 of the office of the Chief Administrator and placed
23 General Chang under restraint in his own house. The
24 latter regained his liberty when the Japanese forces
25 came north and occupied Harbin on February 5th, after

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22 of the office of the Chief Administrator and placed
23 General Chang under restraint in his own house. The
24 latter regained his liberty when the Japanese forces
25 came north and occupied Harbin on February 5th, after

1 defeating General Ting Chao. From that time onwards,
2 the Japanese influence made itself increasingly felt
3 in the Special District.

4 "In Heilungkiang Province, a more complicated
5 situation had arisen owing to the conflict between
6 General Chang Hai-peng and General Ma Chan-shan,
7 which was described in the last chapter. After the
8 occupation of Tsitsihar by the Japanese on November
9 19th, a Self-Government Association of the usual
10 type was established, and this Association, which
11 was said to represent the will of the people, invited
12 General Chang Ching-hui, of the Special District, to
13 act concurrently as Governor of Heilungkiang. As
14 the situation around Harbin was still unsettled, and
15 no definite agreement with General Ma had been reached,
16 this invitation was not accepted until early in January
17 1932. Even then General Ma's attitude was ambiguous
18 for some time. He co-operated with General Ting
19 Chao until the latter's defeat in February, and then
20 came to terms with the Japanese, accepting the Gover-
21 norship of Heilungkiang out of General Chang's hands,
22 and subsequently co-operated with the other Governors
23 in the establishment of the new State. A Self-Govern-
24 ment Guiding Committee was established at Tsitsihar
25 on January 25th, and the same form of Provincial

1 Government as in the other Provinces was gradually
2 established.

3 "The Province of Johol has hitherto kept
4 aloof from the political changes which have taken
5 place in Manchuria. Jehol is part of Inner Mongolia.
6 Over 3,000,000 Chinese settlers now live in the
7 Province and they are gradually pushing out to the
8 north the nomadic Mongols, who still live under
9 their traditional tribal or Banner system."

10 Passing now to the last third of that
11 paragraph:

12 "General Tang Ju-lin, the Governor of the
13 Province, is reported to have assumed full respon-
14 sibility for his Province on September 29th, and
15 to have kept in touch with his colleagues in Man-
16 churia. At the inauguration of "Manchukuo" on
17 March 9th, Jehol was included in the new State. In
18 fact, however, no decisive step was taken by the
19 Government of the Province. The latest events in
20 this Province were referred to at the end of chap-
21 ter IV.

22 "The local self-governing administrations
23 thus established in all the Provinces were subse-
24 quently combined into a separate and independent
25 "State". To understand the ease with which this

1 Government as in the other Provinces was gradually
2 established.

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4 aloof from the political changes which have taken
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19 Government of the Province. The latest events in
20 this Province were referred to at the end of chap-
21 ter IV.

22 "The local self-governing administrations
23 thus established in all the Provinces were subse-
24 quently combined into a separate and independent
25 "State". To understand the ease with which this

1 was accomplished and the amount of evidence which
2 it has been possible to bring forward of Chinese
3 support for it when it was accomplished, it is neces-
4 sary to consider the peculiar feature of Chinese
5 organised life which in some circumstances is a
6 strength and in others a weakness. As has been
7 already stated in Chapter I, the community obligations
8 recognised by the Chinese are rather to the family,
9 to a locality, or to persons, than to the State.
10 Patriotism as it is understood in the West is only
11 beginning to be felt. Guilds, associations, leagues,
12 armies, are all accustomed to follow certain indivi-
13 dual leaders. If, therefore, the support of a par-
14 ticular leader can be secured by persuasion or
15 coercion, the support of his adherents over the
16 whole area of his influence follows as a matter of
17 course. The foregoing narrative of events shows how
18 successfully this Chinese characteristic was utilised
19 in the organisation of the Provincial Governments,
20 and the agency of the same few individuals was used
21 to complete the final stage.

22 "The chief agency in bringing about inde-
23 pendence was the Self-Government Guiding Board,
24 which had its central office in Mukden. By reliable
25 witnesses, it was stated to the Commission to have

1 been organised, and in large part officered, by
2 Japanese, although its chief was a Chinese, and to
3 have functioned as an organ of the Fourth Department
4 of the Kwantung Army Headquarters. Its main purpose
5 was to foster the independence movement. Under the
6 direction and supervision of this Central Board,
7 local self-government executive committees were formed
8 in the districts of Fengtien Province. To those
9 various districts, as occasion demanded, the Central
10 Board sent out members from its large and experienced
11 staff of inspectors, directors and lecturers, many
12 of whom were Japanese. It utilised also a newspaper,
13 which it edited and published.

14 "The nature of the instructions given by
15 the Central Board is apparent from the proclamation
16 which it issued as early as January 7th, under date
17 of January 1st. The proclamation stated that the
18 North-East was faced with the need for developing,
19 without delay, a great popular movement for the
20 establishment of a new independent State in Manchu-
21 ria and Mongolia. It described the development of
22 its work in various districts in Fengtien Province,
23 and outlined its plan for the extension of its ac-
24 tivities to the remaining districts and even to the
25 other Provinces. It then appealed to the people of

the North-East to overthrow Marshal Chang Hsueh-liang, to join the Self-Government Association, to co-operate in setting up a clean administration and improving the living conditions of the people, and it ended with the words: "Organisations of the North-East, Unite! Towards the new State! Towards Independence!" Of this proclamation, fifty thousand copies were distributed.

"As early as January also, the Chief of the Self-Government Guiding Board, Mr. Yu Chung-han, was already making plans, together with Governor Tsang Shih-yi, for the new State which, it was reported, was to be established on February 10th. But the Harbin outbreak of January 29th and General Ma's ambiguous attitude during the conflict with Ting Chao appear to have been the main reasons for the temporary postponement of further preparations at that time.

"Later, after Ting Chao's defeat, negotiations between Lieutenant-General Chang Ching-hui and General Ma had brought about, on February 14th, a settlement according to which General Ma was to become Governor of Heilungkiang. The meeting at which the foundation of the new State was to be arranged was held on February 16th and 17th at Mukden. The

1 Governors of the Three Provinces and the Special Dis-
2 trict were present in person, as well as Dr. Chao
3 Hsin-po, who had played a prominent part in all the
4 preparatory work.

5 "At a meeting of these five men, it was
6 decided that a new State should be established,
7 that a North-Eastern Administrative Council should
8 be organised which would exercise temporarily the
9 supreme authority over the Provinces and the Special
10 District, and, finally, that this Supreme Council
11 should, without delay, make all necessary preparations
12 for the founding of the new State. On the second day
13 of the Conference, two Mongol Princes attended, one
14 representing the Barga District (Hulunbuir) in West-
15 ern Heilungkiang, the other, Prince Chiwang of the
16 Cherim Leagues, representing practically all Banners,
17 who respect this Prince more than any other leader.

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1 "The Supreme Administrative Council was
2 constituted the same day. Its members were Lieutenant-
3 General Chang Ching-hui, Chairman of the Council, the
4 Governors of Fengtien, Kirin, Heilungkiang and Jehol,
5 and Prince Chiwang and Prince Ling Sheng for the
6 Mongolian districts. The first decisions of the
7 Council were: to adopt the republican system for
8 the new 'State'; to respect the autonomy of the
9 constituting Provinces; to give the title of 'Regent'
10 to the Chief Executive, and to issue a Declaration
11 of Independence, to be signed by the Governors of
12 the four Provinces and the Special District, by
13 Prince Chiwang for all the Banners, and by Prince
14 Kueifu for Hulunbuir in Heilungkiang. The Commander-
15 in-Chief of the Kwantung Army gave that night an
16 official dinner in honour of the 'Heads of the
17 new State', whom he congratulated on their success
18 and assured of his assistance in case of need.

19 "The Declaration of Independence was
20 published on February 18th. It referred to the
21 ardent wishes of the people to have permanent
22 peace and to the duty of the Governors, who were
23 said to have been chosen by the people, to fulfil
24 those wishes. The Declaration referred to the
25 necessity for the establishment of a new State,

1 and claimed that the North-Eastern Administrative
2 Council had been constituted for this purpose. Now
3 that relations with the Kuomintang and the Government
4 at Nanking had been severed, the people were promised
5 the enjoyment of good government. This Declaration
6 was sent by circular wire to all places in Manchuria.
7 Governor Ma and Governor Hsi Hsia then returned to
8 their respective provincial capitals, but they
9 designated representatives to meet Governor Tsang
10 Shih-yi, Governor Chang Ching-hui, and Mayor Chao
11 Hsin-po for the purpose of working out the details
12 of the plan.

13 "In a subsequent meeting held by this
14 group, on February 19th, it was decided to estab-
15 lish a Republic, to lay down the principle of the
16 separation of powers in the Constitution, and to
17 ask the former Emperor Hsuan-Tung to become the
18 Chief Executive. In the following days, it was
19 decided that the capital should be Changchun; the
20 new era of government was to be styled 'Tatung'
21 (Great Harmony), and the design of the national
22 flag was fixed. Notification of the decisions
23 taken was sent, on February 25th, to all provincial
24 governments, including Jehol, as well as to the
25 Mongol administrative offices of Hulunbuir and of

1 the Cherim, Chaota and Chosatu Leagues. The last-
2 named Leagues are established in Jehol. They could,
3 therefore, as already stated, take no steps against
4 the wishes of the Chairman of the Government of that
5 Province.

6 "After the Declaration of Independence
7 and the announcement of the plans for the new State,
8 the Self-Government Guiding Board took the leading
9 part in organising popular manifestations of support.
10 It was instrumental in forming societies for the
11 'Acceleration of the Foundation of the New State'.
12 It instructed its branches in the various districts
13 throughout Fengtien, the Self-Government Executive
14 Committees, to do everything possible to strengthen
15 and hasten the independence movement. In consequence,
16 the new 'Acceleration Societies' sprang up rapidly,
17 centring around the Self-Government Executive
18 Committees.

19 "From February 20th onwards, these newly-
20 formed 'Acceleration Societies' became active.
21 Posters were prepared, slogans printed, books
22 and pamphlets issued, a North-Eastern Civilisation
23 Half-Monthly was edited and red scrolls were dis-
24 tributed. Leaflets were sent by post to various
25 prominent citizens asking them to help the propa-

1 ganda work. At Mukden the scrolls were distributed
2 by the Chinese Chamber of Commerce, to be placed on
3 the door-posts.

4 "During the same time, the Self-Government
5 Executive Committees in the districts summoned meet-
6 ings of popular representatives, such as members of
7 the local gentry, and the chairmen and prominent
8 members of commercial, agricultural, industrial
9 and educational associations. In addition, mass
10 meetings were organised and parades or processions
11 were conducted through the principal streets of the
12 district capitals. Resolutions expressing the wishes
13 either of the people in general or of special groups
14 were passed at conferences of prominent local men and
15 at the mass meetings, in which it was claimed many
16 thousands of persons took part. These resolutions
17 were naturally sent to the Self-Government Guiding
18 Board at Mukden.

19 "After the Acceleration Societies and the
20 Self-Government Executive Committees had been active
21 in various districts of Fengtien, a provincial con-
22 vention was organised at Mukden to give concrete
23 evidence of the general desire of the people for
24 the establishment of the State. Accordingly, on
25 February 28th, a meeting was held in which about

1 600 persons took part, including all the district
2 officers of the Province and the representatives of
3 nearly all classes and organisations. This meeting
4 issued a declaration which stated that it expressed
5 the joy of the 16,000,000 inhabitants of Fengtien
6 Province at the downfall of the old oppressive
7 military caste and the dawn of a new era. As far
8 as Fengtien was concerned, the movement had thus
9 been brought to a conclusion.

10 "The movement in Kirin Province in favour
11 of a new State was also organised and directed.
12 While in the Conference at Mukden on February
13 16th, Governor Hsi Hsia sent a circular telegram
14 to his District Officers asking them to enlighten
15 him as to public opinion in regard to the policy
16 to be followed by the new State. The District
17 Officers were enjoined to give adequate guidance
18 to the various guilds and associations in their
19 districts. In direct response to the telegram,
20 independence movements sprang up everywhere. On
21 February 20th, the Kirin Provincial Government
22 created the State Foundation Committee, which was
23 to guide the various organisations in conducting
24 their independence campaigns. On February 24th,
25 the People's Association at Changchun held a mass

1 meeting in which about 4,000 persons are reported
2 to have taken part. They demanded the acceleration
3 of the foundation of the new State. Similar meetings
4 were held in other districts and also in Harbin. On
5 February 25th, the mass meeting for the whole Province
6 was held at the city of Kirin. About ten thousand
7 persons were reported to have been present. A
8 declaration was duly issued similar to that passed
9 at Mukden on February 28th.

10 "In Heilungkiang Province, the Mukden
11 Self-Government Guidance Board played an important
12 part. On January 7th, after General Chang Ching-hui
13 had accepted the governorship of Heilungkiang, he
14 declared the Province to be independent.

15 "The Board lent its assistance in conducting
16 the acceleration movement in Heilungkiang. Four
17 directing officers, two of whom were Japanese, were
18 despatched from Mukden to Tsitsihar. Two days after
19 their arrival, on February 22nd, they convened a
20 meeting in the reception hall of the Government House,
21 in which a large number of associations were repre-
22 sented. It was a Pan-Heilungkiang Conference, which
23 was to decide upon the methods of preparing for the
24 establishment of the State. It was resolved to hold
25 a mass demonstration on February 24th."

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23 was to decide upon the methods of preparing for the
24 establishment of the State. It was resolved to hold
25 a mass demonstration on February 24th."

) 1 DEPUTY MARSHAL OF THE COURT: The Tribunal is
u 2 now resumed.

a 3 MR. MCKENZIE: If the Tribunal please:

3 4 (Reading:) "Many thousands of persons took
V 5 part in the mass demonstration at Tsitsihar, which was
1 covered with posters, scrolls, streamers and pennants
1 in commemoration of the event. The Japanese artillery
1 7 fired 101 guns in honour of the day. Japanese planes
8 circled overhead, dropping down leaflets. A declar-
9 ation was promptly issued which favoured a republic
10 form of government, with a responsible Cabinet and a
11 President as the head of the State. All powers were
12 to be concentrated in the Central Government, and the
13 provincial governments were to be abolished, leaving
14 districts and municipalities as the units of local
15 government.

17 "By the end of February, Fengtien, Kirin,
18 Heilungkiang and the Special District had passed the
19 stages of district and provincial declarations. The
20 Mongol Banners had also given their allegiance to the
21 new State, since it was known that it would mark off
22 special autonomous Mongol districts and would in other
23 ways guarantee the rights of the Mongol inhabitants.
24 The Mohammedans had already, at a meeting on February
25 15th, at Mukden, pledged their allegiance. The

1 majority of the small number of unassimilated Manchus
2 were also in favour of the new State as soon as it
3 had become known that their former Emperor would
4 probably be offered the post of Chief Executive.

5 "After the districts and provinces had given
6 formal support to the plan of a new State, the Self-
7 Government Guiding Board took the lead in convening
8 an All-Manchuria Convention, which was held at Mukden
9 on February 29th. There were present official dele-
10 gates from the provinces, the districts of Fengtien
11 Province and the Mongol territories, and, in addition,
12 many others, including representatives of various
13 groups, such as the Koreans in Kirin Province and
14 the Special District, and the branches of the Youth
15 League of Manchuria and Mongolia: altogether over
16 700 persons.

17 "Speeches were delivered and a declaration
18 and resolution were unanimously approved, the
19 former denouncing the previous regime, the latter
20 welcoming the new State. A second resolution was
21 also adopted designating as the provisional President
22 of the new State the former Emperor Hsuan Tung, now
23 known by his personal name as Mr. Henry Pu-yi.

24 "The North-Eastern Administrative Council
25 met at once in urgent session and elected six delegates

1 to proceed to Port Arthur, to convey their invitation
2 to the former Emperor at Port Arthur, where he had
3 been residing since he left Tientsin in the previous
4 November. Mr. Pu-yi at first declined it, but on
5 March 4th a second delegation comprising twenty-nine
6 delegates obtained his consent to accept the post for
7 one year only. Then the Administrative Council
8 elected its chairman, Lieutenant-General Chang Ching-
9 hui, and nine others, to be the Reception Committee.
10 On March 5th, the Committee went to Port Arthur and
11 was received in audience. In response to its request,
12 the former Emperor, on March 6th, left Port Arthur for
13 Tangkangtze, and after two days began, on the 8th,
14 to receive homage as the Regent of 'Manchukuo'.

15 "The inauguration ceremonies were held at
16 the new capital, Changchun, on March 9th. Mr. Pu-yi,
17 as Regent, made a declaration in which he promised
18 to found the policy of the new State upon the basis of
19 'morality, benevolence and love'. On the 10th, the
20 principal members of the Government were appointed;
21 the members of the Cabinet, the Presidents of the
22 Board of Legislation and the Board of Control; the
23 President and Vice-President and Councillors of the
24 Privy Council, the Governors of the Provinces and of
25 the Special District, the Commanders of the Defence

Forces of the Provinces, and some other high officials.

A notice regarding the establishment of 'Manchukuo' was issued by telegram on March 12th to the foreign Powers. The declared purpose of this notice was to communicate to the foreign Powers the fundamental object of the formation of 'Manchukuo' and its principles of foreign policy; and to request that they recognise it as a new State.

"Prior to the arrival of the Regent, a number of laws and regulations, on which Dr. Shao Hsin-po had been working for some time, had been made ready for adoption and promulgation. They came into force on March 9th, simultaneously with the law regulating the organisation of the Government, while the laws which theretofore had been in effect, in so far as they were not in conflict with the new laws, or with the fundamental policy of the State, were provisionally adopted by special ordinance of the same date.

1 "This narrative of the stages by which the
2 'State of Manchukuo' was created has been compiled from
3 all the sources of information available." And then
4 follows a list of sources used.

5 "The measures of civil administration taken by
6 the Japanese military authorities between September 18th
7 and the establishment of the 'Manchukuo Government',
8 notably the control of the Banks, the administration of
9 the public utility services and the management of the
10 railways, indicated that, from the commencement of the
11 operation, objects more permanent than the requirements
12 of a temporary military occupation were being pursued."

13 Passing now to the middle of the paragraph:
14 "When they were allowed to re-open, Japanese
15 were appointed as advisers, experts, or secretaries to
16 officials, usually with administrative powers."

17 Passing now to "Railways":

18 "As regards railways, the measures taken by
19 the Japanese authorities from the outset of the period
20 of military occupation were designed to settle defin-
21 itely, in a manner favourable to Japanese interests,
22 some of the questions which had long been in dispute
23 between the Chinese and Japanese railways, and which
24 have been described in Chapter III. The following
25 measures were promptly taken," One and four seemingly

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13 Passing now to the middle of the paragraph:
14 "When they were allowed to re-open, Japanese
15 were appointed as advisers, experts, or secretaries to
16 officials, usually with administrative powers."

17 Passing now to "Railways":

18 "As regards railways, the measures taken by
19 the Japanese authorities from the outset of the period
20 of military occupation were designed to settle defin-
21 itely, in a manner favourable to Japanese interests,
22 some of the questions which had long been in dispute
23 between the Chinese and Japanese railways, and which
24 have been described in Chapter III. The following
25 measures were promptly taken," One and four seemingly

1 are the most important.

2 "1. All the Chinese-owned railways north of
3 the Great Wall, and the monies standing to their credit
4 in banks in Manchuria, were seized.

5 "4. A staff of Japanese technical advisers was
6 installed in various departments of the railways."

7 Passing now to the top of page 97:

8 "During the period between September 18th, when
9 the North-Eastern Communications Committee ceased to
10 function, and the date of the creation of the 'Manchukuo
11 Ministry of Communications', the Japanese authorities
12 assumed entire responsibility for the administration of
13 the railways.

14 "Measures of a similar kind, which went beyond
15 those which were necessary for the protection of the
16 lives and property of their nationals, were taken by
17 the Japanese in respect of the public electricity sup-
18 plies at Mukden and Antung. Also, in the period between
19 September 18th and the establishment of 'Manchukuo',
20 the Japanese authorities made changes in the adminis-
21 tration and management of the Chinese Government tele-
22 phone, telegraph and wireless services which would ensure
23 their intimate co-ordination with the Japanese telephone
24 and telegraph services in Manchuria."

25 Conclusions: "Since September 18th, 1931, the

1 activities of the Japanese military authorities, in
2 civil as well as in military matters, were marked by
3 essentially political considerations. The progressive
4 military occupation of the Three Eastern Provinces
5 removed in succession from the control of the Chinese
6 authorities the towns of Tsitsihar, Chinchow and Har-
7 bin, finally all the important towns of Manchuria; and
8 following each occupation, the civil administration was
9 re-organised. It is clear that the Independence Move-
10 ment, which had never been heard of in Manchuria before
11 September 1931, was only made possible by the presence of
12 the Japanese troops.

13 "A group of Japanese civil and military of-
14 ficials, both active and retired, who were in close
15 touch with the new political movement in Japan to which
16 reference was made in Chapter IV, conceived, organised
17 and carried through this movement, as a solution to the
18 situation in Manchuria as it existed after the events
19 of September 18th.

20 "With this object, they made use of the names
21 and actions of certain Chinese individuals, and took
22 advantage of certain minorities among the inhabitants,
23 who had grievances against the former administration.

24 "It is also clear that the Japanese General
25 Staff realised from the start, or at least in a short

1 time, the use which could be made of such an autonomy
2 movement. In consequence, they provided assistance and
3 gave direction to the organisers of the movement. The
4 evidence received from all sources has satisfied the
5 Commission that, while there were a number of factors
6 which contributed to the creation of "Manchukuo", the
7 two which, in combination, were most effective, and
8 without which, in our judgment, the new State could not
9 have been formed, were the presence of Japanese troops
10 and the activities of Japanese officials, both civil
11 and military.

12 "For this reason, the present regime cannot be
13 considered to have been called into existence by a gen-
14 uine and spontaneous independence movement."

15 I would now like to read the conclusions on
16 page 111.

17 "Such are the opinions of the local population
18 conveyed to us during our tour in Manchuria. After
19 careful study of the evidence presented to us in public
20 and private interviews, in letters and written statements,
21 we have come to the conclusion that there is no general
22 Chinese support for the 'Manchukuo Government', which
23 is regarded by the local Chinese as an instrument of the
24 Japanese."

25 If the Tribunal please, I desire at this time

1 to read from the admissions of ARAKI, Sadao, numbered
2 10007 at one time, 2256 at another, and which bears
3 exhibit No. 187-I, having already been introduced in
4 evidence but not having been read.

5 MR. McMANUS: Mr. President, if your Honor
6 pleases, I can readily understand testimony being read
7 into the record and offered under these circumstances.
8 However, concerning the statement of the accused, I
9 realize that your Honor has ruled on my original objec-
10 tion but I would like to add one fact to that for what-
11 ever reconsideration your Honor might tender it. I would
12 just like to add to the original objection and call to
13 the Tribunal's attention that there is not any witness
14 here through whom this statement of the accused is being
15 offered, and it deprives me of the opportunity of cross-
16 examination for the purpose of noting mistakes and pos-
17 sibly translation difficulties and interpretation diffi-
18 culties that the accused ARAKI has informed me he had
19 with the interpreters.

20 For this reason I should like to offer this
21 additional objection and ask the Court to consider it.

22 MR. MCKENZIE: I believe these matters were all
23 covered in the prior argument, if the Court please, and
24 this exhibit has already been admitted in evidence.

25 THE PRESIDENT: Well, in an ordinary court that

1 objection would be sustained because the person who
2 heard the admissions would have to be called. But here
3 a different rule operates. We have already given our
4 decision. This evidence must be received for whatever
5 probative value it has.

6 MR. LOGAN: If the Tribunal please, may we have
7 a ruling with respect to the effect of the admissions or
8 declarations of one of the accused made after the com-
9 pletion of conspiracy, whether or not this Tribunal is
10 taking that testimony on a conspiracy count as against
11 all the other accused except the one who has made the
12 admissions?

13 THE PRESIDENT: Ordinarily it would be evidence
14 only against the accused who made the admission. I have
15 no doubt about that. I am not prepared to decide the
16 other question without -- or, rather, I am not prepared
17 to state the decision of the Tribunal without consulting
18 all of them. I do not know to what extent they will be
19 prepared to accept ARAKI's statement as evidence against
20 all of them. But we must hear it as evidence against
21 ARAKI. Whether it will be extended to other accused
22 remains to be determined.

23 DR. KIYOSÉ: Before the recess I asked your
24 Honor concerning rule No. 6b. It reads that when a copy,
25 a transcript of evidence, is used it should be literally

1 used, literally quoted. I think probably that it was
2 a mistake on the part of the interpreters, but, however,
3 my understanding was that your Honor said that Dr. Kiyose
4 must have understood through my answer given to Mr. Logan.
5 However, I should like to ask you again concerning this
6 point.

7 What I wish to ask is, firstly, whether there is
8 rule stipulating marking of the certain parts of the docu-
9 ment to be tendered beforehand, before it is presented to
10 the Court. That was in connection with excerpts read
11 from Lytton Report. I should like to ask this again
12 because I could not understand it from your answer given
13 to Mr. Logan. In case of a document or a report of any
14 king tendered by us, would it be necessary to mark the
15 parts, the portions, which we wish to quote?

16 THE PRESIDENT: The correct thing for me to do
17 is to invite you to read the decision I made when you
18 get the transcript tonight or tomorrow morning, and also
19 to read the rules, more particularly 6b.
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1 THE PRESIDENT: The correct thing for me to
2 do is to invite you to read the decision I gave when
3 you get the transcript tonight or tomorrow morning,
4 and also to read the rules, more particularly 6(b).

5 MR. MCKENZIE: May I then read exhibit
6 187-I.

7 "EXCERPTS FROM INTERROGATION OF ARAKI,
8 SADAQ.

9 "(Interrogation of ARAKI, Sadao (File No.
10 58), 21 February, pages 1-2)

11 "The Cabinet meeting of February or March
12 1932 was called by the Premier to form the Adminis-
13 tration Committee to set up the independent state of
14 Manchoukuo. A request was transmitted from the Kwan -
15 tung Army to myself asking that a government be set
16 up to govern the state. I in turn transmitted it to
17 the Premier. The report from the Kwantung Army
18 stated that it was advisable to set up Henry Pu-Yi
19 as head of the Manchoukuo Government. The Commander
20 in Chief (HONJO) of the Kwantung Army sent this re-
21 quest. I had the power to refuse or to over-rule it
22 if I wished to be irresponsible. I would be irre-
23 sponsible, because I would have to have a better sub-
24 stitute method if I refused the request. I do not
25 think my suggestion of pacification of Manchuria in

1 December 1931 tied my hands on this request. I
2 thought the request of the Kwantung Army would settle
3 the Manchurian matter to the interest of all parties
4 concerned. The proposal in the Cabinet was to
5 carry out the request of the Kwantung Army -- set up
6 Henry Pu-Yi as governor of Manchoukuo.

7 "There was already an Administration Com-
8 mittee formed before March 30 by the Kwantung Army.
9 The civil population was administered by various
10 civil governors and the four provinces were placed
11 under one administrator, most of these men being
12 formerly the administrators of that area. This was
13 from the latter part of 1931 to March 1932. The
14 various provincial governors submitted their plans
15 to the Kwantung Army and these were passed upon by
16 the Kwantung Army. The Commander-in-Chief of this
17 army conceived and authorized this, and it was neces-
18 sary only to make a report to the Tokyo government
19 in these matters. I only gave sanction to him to
20 the effect that if the Manchurian Incident was set-
21 tled peaceably, there was no need for him to make any
22 special request on minor matters.

23 "Various Japanese government officials
24 were sent to help in the organization of the Man-
25 churian government since Manchuria did not know how

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DIRECT

1 to set up a well functioning government, not having
2 had experience in the past. This was discussed in
3 the Cabinet meeting. Various problems were brought
4 up by the Department concerned. For instance, fin-
5 acial matters were brought up by TAKAHASHI."

6 I desire to call the witness KASAGI,
7 Ryomei. This is a Japanese national who does not
8 speak English. I therefore desire to offer his affi-
9 davit. The document is 1854.

10 THE PRESIDENT: Are you tendering the
11 affidavit?

12 - - -

13 R Y O M E I K A S A G I, called as a witness on
14 behalf of the prosecution, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MCKENZIE:

18 Q Will you state your full name, please.

19 A KASAGI, Ryomei.

20 Q Will you examine the document in the Japan-
21 ese language shown you by the Page. Is that your
22 signature on that document?

23 A Yes.

24 Q Are the statements contained therein true
25 and correct?

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1 A Yes.

2 Q Will you examine the English document. Is
3 that your signature on that document?

4 A Yes.

5 THE PRESIDENT: Does he read English?

6 MR. MCKENZIE: No, your Honor.

7 I desire to offer the IPS document, No.
8 1854, in the Japanese language with the English
9 translation attached.

10 THE PRESIDENT: Admitted.

11 CLERK OF THE COURT: Document No. 1854 will
12 receive exhibit No. 221.

13 (Whereupon, prosecution's exhibit
14 No. 221 was received in evidence.)

15 MR. MCKENZIE: Might I state to the Tribunal
16 that this document had been processed, before your
17 ruling had been made with reference to an affidavit,
18 by the translator or interpreter. There is attached
19 to the original, but not on the copies, an affidavit
20 by the translator.

21 May I call the Tribunal's attention to two
22 errors in the English translation: One is the spell-
23 ing of Dairen which should be D-a-i-r-e-n in each
24 instance; and in the next to the last line of the
25 third from the last paragraph, where it says "Home

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1 Minister," it should be "Prime Minister." They have
2 all been corrected on the copies delivered to the
3 Court but not those distributed to counsel.
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1 "I, KASAGI, Ryomei, make oath and say as
2 follows:

3 "I was born in 1892 in Tochigi-Ken Pre-
4 fecture, Ashio. After attending elementary and
5 middle schools, I entered the Imperial University,
6 from which I graduated in 1919.

7 "Shortly after graduating I entered the
8 employ of the Manchurian Iron Works, and was as-
9 ssigned to their branch in the Marunouchi Building
10 in Tokyo in the Finance Investigation office. I
11 was employed in this capacity from 1919 to 1929.
12 My superior officers in charge of the department in
13 which I worked were Dr. OKAWA, Shumei, and NAGAO,
14 head of the office.

15 "Dr. Okawa organized the Gyo Chi Sha in
16 about 1923 and was the leader of this organization
17 of which I became a member. Because I disagreed
18 with some of its principles I resigned in 1928, but
19 the organization was still in existence when I left
20 Tokyo in 1929.

21 "The Gyo Chi Sha was a nationalistic or-
22 ganization that was organized to study and try to
23 improve the relationship between Japan and the other
24 countries in Asia and to reform the government in
25 Japan, also to promote the idea that Japan was des-

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1 tined to be the leader of East Asia, and that the
2 members should do all that they could to foster and
3 develop the advancement of Japan's prestige and in-
4 fluence.

5 "Dr. OKAWA made some speeches before this
6 organization advocating these principles, and on one
7 occasion at least, stated that Japan should help
8 India obtain its independence.

9 "One of the most influential members of
10 the organization was Professor KANOKOGI, Kazunobu.

11 "Since I desired a promotion and wanted to
12 leave Tokyo, I was sent to Dairen, Manchuria, to work
13 for the South Manchuria Railway Company, which was
14 one of the principal owners of the Machurian Iron
15 Works. My work in Dairen, however, was largely with
16 the South Manchuria Railway where I was in charge
17 of Personnel which dealt with the employment, wel-
18 fare and pension provisions for the entire railway
19 system.

20 "In May 1930, I organized and was head of
21 the Tu Ho Kri, which was an organization composed
22 of about thirty or forty Japanese members, largely
23 men who were employed by the South Manchuria Railway
24 Company. One exception was NAKANO, Koitsu, a
25 Japanese lawyer who then had offices in Dairen and

KASAGI

DIRECT

1 Mukden.

2 "Immediately after September 18, 1931,
3 when the Manchurian Incident began, NAKANO, Koitsu,
4 was directed by the political division of the Kwan-
5 tung Army to join the Self-Government Guiding Board
6 which was organized in the latter part of September
7 to foster, coordinate and direct the activities of
8 various groups urging the independence of Liaoning
9 Province, and later on, all the provinces of Man-
10 churia and Jehol, to declare their independence
11 from China. The principal object of this organiza-
12 tion was to aid in developing and directing this In-
13 dependence Movement. The head of the organization
14 was Yu Chung-Han, a Chinese. There were several
15 other Chinese in the organization, but 90 percent
16 of the members and all those in the most responsible
17 positions were Japanese.

18 >About the middle of October NAKANO,
19 Koitsu called me at Dairen and asked me to come to
20 Mukden and work with him in the Self-Government
21 Guiding Board. I spoke to the members of our organ-
22 ization already set up, and I was appointed chief
23 liaison man at the headquarters in Mukden. We were
24 working in thirteen or fourteen prefectures of
25 Liaoning or Fengtien Province at first, and I was

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1 responsible for eight of them. We had two or three
2 representatives working in each prefecture, most
3 of whom were Japanese, and I maintained contact with
4 them and directed their efforts. I talked to the
5 Prefectural Governors and government workers out-
6 lining to them the conditions in other prefectures
7 and showing them how much better it would be for
8 the country if they were to have a stable, organized
9 government that would work to promote the interests
10 of the people, and that in order to do this it was
11 necessary for them to seek independence from China.
12 There was no definite plan at first as to the form
13 this independence should take, but later on it was
14 decided to form a separate state with a Regent or
15 Emperor at the head.

16 "At the time I left the South Manchuria
17 Railway I borrowed five hundred yen from a loan
18 association operated by the company to finance me
19 in my work, particularly in renting a house in which
20 to have the workers of the Self-Government Guiding
21 Board live. In November of 1931 I received about
22 twenty-thousand yen from the South Manchurian Railway
23 representing money coming to me based on my years
24 of service, and I then paid back the loan.

25 "There were eight principal departments or

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1 divisions in the Self-Government Guiding Board, as
2 follows:

- 3 1. Advisory, having both Chinese and
- 4 Japanese members.
- 5 2. General Affairs, controlled entirely
- 6 by the Japanese.
- 7 3. Guidance.
- 8 4. Censorship.
- 9 5. Liaison.
- 10 6. Propaganda.
- 11 7. Training and Education.
- 12 8. Finance.

13 "There were approximately one-hundred and
14 twenty members on the committee, about twenty from
15 the Yu Ho Kai and the balance from the Manchu Seinen
16 Rommel (Manchu Young Men's Association). Out of
17 the members, approximately fifteen were Chinese or
18 Manchurian.

19 "I believe the money to support this organ-
20 ization came from the Kwantung Army, as we operated
21 in close cooperation with it, and all of our policies
22 and activities had to be approved by it. Colonel
23 ITAGAKI, Seishiro was in charge of this division.
24 Colonel ISHIHARA, Kanji, was in charge of Tactics
25 and Strategy, and Colonel DOIHARA, Kenji, was in

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1 charge of Special Services or Espionage Division
2 in Mukden. Much of the information we received as
3 to which Chinese would be friendly to our plans came
4 from Colonel DOIHARA's Division.

5 "Early in January, 1932, the Self-Government
6 Guiding Board issued a proclamation stating that
7 the North Eastern Provinces were faced with the need
8 for developing at once a great popular movement for
9 the establishment of a new independent state in Man-
10 churia and Mongolia, and it appealed to the people
11 of these provinces to overthrow Marshal Chang Hseu-
12 liang, to join the Self-Government Guiding Associa-
13 tion and to cooperate in setting up a new adminis-
14 tration to improve the living conditions of the
15 people.

16 "On February 18, 1932, a Declaration of
17 Independence was published, declaring that the re-
18 lations with the Koumintang and the government at
19 Nanking had been severed by the North Eastern Pro-
20 vinces, to wit: Fengtien, Heilungkiang, Kirin and
21 Jehol; that a new state should be established.

22 The Self-Government Guiding Board played an im-
23 portant part in organizing Independence Movements
24 in various provinces, which resulted in the setting
25 up of a new state which was called Manchukuo, and

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1 Henry Pu-Yi was installed as Regent on March 9, 1932.

2 "Shortly after this action the Self Govern-
3 ment Guiding Board was abolished and I went to Chang-
4 chun with SAKATA, Shuichi to help establish the Shi
5 Sei Kyoku, which was a branch of the new government
6 under the direction of the Prime Minister and had to
7 do with the cultural, spiritual and educational de-
8 velopment of the new government.

9 "After three or four months this depart-
10 ment was abolished and the government worked through
11 the Kyowa Kai, or Concordia Societies, which car-
12 ried on the work of developing a nationalist spirit
13 among the Manchurians.

14 "After leaving Changchun I returned to
15 Dairen, where I stayed for nearly a year, and the
16 Kwantung Army became displeased with my activities
17 and I was forced to leave Dairen and come to Tokyo.
18 Here I established a printing house and published
19 a magazine known as Daiasia, or Greater Asia. I
20 continued in this work until May 1945 and am now
21 unemployed."

22 Signed "KASAGI, Ryomei", with
23 the acknowledgement of the officer and the certi-
24 ficate.

25 You may cross-examine.

KASAGI

CROSS

1 MR. OHARA: I am OHARA, counsel for the
2 defendant OKAWA, Shumei.

3 CROSS-EXAMINATION

4 BY MR. OHARA:

5 Q You have stated that you have signed your
6 affidavit in Japanese; is that correct?

7 A Yes.

8 Q Have you read it through?

9 A Yes.

10 Q You found a number of mistakes in it?

11 A Not many, I don't think.

12 Q You have stated that you were a member of
13 the Gyo Chi Sha; is that correct?

14 A Yes.

15 Q You have stated that OKAWA, Shumei founded
16 the Gyo Chi Sha in 1923, but was it not founded in
17 1925 instead of 1923? Was that not a mistake?

18 A It happened such a long time ago that it is
19 not clear in my memory. I don't recall definitely
20 whether it was 1925.

21 Q In your affidavit you state that you have
22 separated from OKAWA because you could not agree with
23 him on several points -- with his principles -- with
24 several of his principles.

25 A Yes.

KASAGI

CROSS

1 Q Was it not in connection with the public
2 sale of a governmental forest in Hokkaido?

3 A No. It was not about that.

4 Q Concerning the guiding principles of the
5 Gyo Chi Sha, you state that Japan is destined to be
6 the leader of East Asia.

7 A Yes.

8 Q This leader of East Asia does not mean to
9 say that Japan intends to become the leader of East
10 Asia but Japan intends to help the weaker nations
11 in East Asia, doesn't it?

12 A I don't know how the word "leader" or "to
13 lead" sounds. But none of us had any idea that we
14 were to become the leader.

15 Q Not only -- it was not in your intention to
16 conquer East Asia, but also it was not the intention
17 of the Gyo Chi Sha to conquer East Asia. Are you
18 aware of that fact?

19 THE MONITOR: Slight correction there. Con-
20 quer East Asia and to control.

21 A Yes, of course, as you stated.

22 Q You state that you were a member of the Yu
23 Ho Kai consisting of the employees of the South Man-
24 churian Railway since about May, 1930; is that cor-
25 rect?

KASAGI

CROSS

1 A It is not an organization as such, but a
2 group formed around me on the occasion of my arrival
3 there.

4 Q Was it merely -- simply a social organiza-
5 tion?

6 A More than social. I should say it was an
7 organization for the purpose of promoting friendship
8 among friends.

9 Q Then it is not a political organization at
10 all, is it?

A It had no political character whatsoever.

Q It is not an organization with a fixed principle either, is it?

A It never drew up any prospectus or outline
of activities or anything of the kind.

16 Q You stated that you were connected with the
17 Self Government Guidance Board after the outbreak of
18 the Manchurian Incident; is that correct?

19 A Yes.

THE PRESIDENT: We will adjourn now until
half past nine tomorrow morning.

(Whereupon, at 1600, an adjournment was taken until Wednesday, 31 July, 1946 at 0930.)

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